[illegible]709 Ex domo Canonicatus et libraria eiusdem
in Cracovia, doctor Stromsky librarista suppl.

N[icolaus] dei gratia sancte Coloniensis ecclesie Archiepiscopus discretis
viris rectoribus parochialium ecclesiarum et aliis quibus presentes
fuerint requisiti Salutem in domino. Venientes ad presentiam
nostram discretus vir dominus [illegible] dicti exposuit quod quidam
C. clericus vel dicti gerens se pro procuratore
Capituli et prelatorum quos Reverendissimi in Christo patris domini
Johannis sacrosancte Romane ecclesie Cardinalis in dicta
ecclesia Collegiata sancti Floriani dicti Capitulus
clamat predictum predictum dominum N. vicarium dicte ecclesie
Collegiate decimam manipularem post aratra ab kmet[onibus]
hominibus dicti [illegible] de villa [illegible] dicti ad dictam
suam vicariam dicte ecclesie Collegiate ab antiquo et
de iure et de consuetudine prescripta pertinet spoliavit
et decimam decimam sibi rapuit manu forti Ideo vobis
et cuilibet vestrum qui fuerit [illegible] obedire et sub excommunicationis
pena districte precipimus et mandamus quatenus prenominatum
attendentes se quomodo poterit Alioquin in ecclesiis vestris [illegible]
[illegible] dicti C. et personarum in dicta ecclesia sancti Flori
ani Collegiata prefatum moneatis et monere

tuncres que et nos monemus per presentes ut infra

quindecim dies immediate sequentes, quorum quindecim dierum quinque

pro primo quinque pro secundo et reliquos quinque dies pro

tertio et canonica monitione sibi assignamus, dictam decimam

manipularem post aratura Bartholomei Chatz de

Bethorolo [illegible] suo [illegible] vicario dicte ecclesie collegiate

restituat aut cum eo pro predicta decima amicabiliter

concordet et componat. Alioquin si secus fecerit dictis

hiis

quindecim diebus elapsis in personam [illegible] eundem excommunicamus

in nomine domini ferimus et eum excommunicatum in hiis scriptis

quem sic excommunicatum in dicta ecclesia collegiata sancti Flori-

ani et in aliis vestris ecclesiis infra missarum solempnia

et coram multitudine populi publice nuncietis et nunciari faciatis

singulis diebus dominicis et festivis tamdiu donec aliud

a nobis habueritis in mandatis. Datum ut in premissis.

Incipit summarium regularum decisionum Rote per venerabilem et circumspectum virum dominum Wilhelmum Horborch utriusque iuris doctorem apostolici palatii causarum auditorem collectarum

De constitutione

Clausula non obstante generalis tollit seu differt statuta et consuetudines generalia et eis derogat. Non tamen differt singularia et particularia nec deroget eis. Sed ad derogationem singularis statuti requiritur non obstante specialis et expressa. 300

Per clausulas generales in ~~dubio~~ dubio papa non presumitur dispensare ~~intelligitur~~ contra ius commune

Quamvis statutum sine consensu episcopi capitulum cathedralis ecclesie non possit facere tamen capitulum aliarum ecclesiarum de consensu suorum prelatorum episcopo irrequisito potest facere statutum. 3 et 1

Constitutio probatur per testes quia ad esse eius non est necessaria scriptura 21

Constitutio penalis non extenditur

Constitutio similis non tollit contrarium iuris generalis de toto

Stilus curie destricte lege servatur pro lege

Equitas quam presertim rigori

De fisca. 5 f. p.

20 an et de re p 5 licet

De rescriptis

Suggestio falsitatis vel suppressio veritatis propter quam aliqua de iure sit verisile papam gratiam non concessisse reddit eam gratiose surreptivam vel obreptivam. De elec. cum nobis in c. gratia? in q. fi. v. quatacumque. Ideo non omnis taciturnitas vel expressio inducit surreptionem vel obreptionem. De preben. cum in v. si. Hoc igitur De ordi. m. r. Alia minus de concessi preben. sup. v. licet

Ex quibus infero quod casus qui a iure statuuntur exprimenda et tacentur surreptionem inducunt. Et super non expressis a iure statuitur verisimilitudinem iuris per quam extimatur papa motus ad concedendum vel denegandum

Per commissionem factam sedis auditori renovatur primus nisi clausula circa statum cause de gratia habere pro expresso 138 et 139

Primum rescriptum renovat secundum si de eo fit mentio in secundo

Rescriptum non extendit se ad non nisi eo expressa nisi sit clausula quidam 168

Rogatus super decisionibus secundum ordinem suum dictorum

Postquam superior apposuit manus inferior non potest se ulterius intromittere etiam de expresso partium consensu et commissionem superioris renunciantium

Per simplicem signaturam audiat et procedat summarie etc. auditor potest ad omnia que in supplicatione commissionis continentur dummodo non sint cancellata in ea 130

Commissio exorbitans in una instantia non extenditur ad aliam instantiam nisi aliud equitas suadeat 202

Per commissionem sola facti veritate inspecta finiatur in substantialibus et arbitrio iudicantis abbreviantibus 137 442

Duo rei non possunt uti inter se aut contra alios rescripto contra reos impetrato ex quo iudicium inter impetrantem istius rescripti et dictos reos est finitum deveniente ad iudicium pro suo interesse ibidem remissio 142 / et 338

In Romana curia post appellationem datam appellans statim etiam appellatus potest impetrare commissionem et sic oblate de appellatione solum eius loco extra curiam pendentem

Exorbitans commissio contra contumacem impetrata non est ei intimanda

Commissio valet licet in ea in nomine vel cognomine fuit erratum dummodo per circumstantias constet de persona 144

Rescriptum non extenditur ad personas contra quas id impetranti tempore eius impetrationis actio non competebat quamvis ad casum provocatorium se non extendit 147

Non refert in curia per quem partes offerantur eidem ibi impetratores commissionum sive citationum dispositiones. Sunt enim quod valet impetratio commissionis per quadriennium etiam exorbitans etiam non habentem mandatum vel inhibitionem aut plures partes in quibus sibi competebant iura agendi 146 et 413

Impetratio commissionis est actus extraiudicialis 146

Tenet impetratio contra possessorem rei licet impetranti non pertinet sed post litis contestationem competat actio 147

In commissione in curia Romana attenditur data et tempus presentationis tamen in casu data non apponitur et ideo si ipsa cum datarum supplicationum preter ... si dato supplicationum et presentatio commissionis predicte concurrerent presumuntur dationem ipsarum in dubio precessisse. Secus si extra curiam Romanam ipsa esset in uno loco et officiales in alio

Commissio plurium capitulorum continens aliqua vera aliqua falsa dummodo ex veris posset resultari effectus petentis valet 139

Committet causas devolutas vicecancellario simpliciter alias non

nisi tunc speciali mandato

Si committatur causa in eodem statu in quo erat coram primo auditore quamquam status cause non exprimatur specialiter valet 1 & 9

Si impetrans [illegible] narrat cum pluribus modis vacare sufficit tamen unum modum vacationis de illis expressis probare 2 13

Tertia gratia non faciens mentionem de prima nondum extincta qua obtulit se in scriptis dimissurum non valet

Forma mandati diligenter est servanda

Tenet impetratio non faciens mentionem de impetratione cuiusdam nulla auctoritate i. de apostolice vel litteris person. invalida quamvis illi non inest

Gratia ad beneficium vacaturum non absorbetur per gratiam ad idem beneficium postea tamen vacans impetratum in qua non fit mentio de prima quia ius quesitum non tollitur nisi per expressam et intentionem specialem

In dispensatione retinendi beneficium de iure patronatus laicorum alias incompatibili non est necesse exprimere clausulam de iure patronatus laicorum secus in simplici impetratione ipsius beneficii quia in pro causa non prejudicatur iuri alterius in scriptis vero ita 3 & 7

De impetratione beneficii de speciali reservatione non est specialis mentio facienda secus de generali

In commissione verba signature sunt attendenda quia ultra ea nichil venit nisi propter unum verbo clausula re additur que clausula erit complet tamen omnia clausis [illegible] in commissione supplicatione descripta

Commissiones que fiunt auditoribus sunt causarum distributiones et ideo unus pro altero differre 7 2

Per rescriptum subrescriptum datur iurisdictio quibus ope exceptionis rescripti possit elidi

Prima gratia et conditionalis tamquam ante vacaturum prejudicata fit secundum iuxta ordinem sue placitationis et tunc ad tempus date decretum retrotrahatur secus vero de causali et potestativa quia ultimus quod gratia conceditur tunc circa materiam subiectam 2 2 3

In dubio potius rescriptum iudiciale impetratur quam gratiale

Rescriptum iudiciale etiam invite impetratum est rationale

Auditores habent quidem iurisdictionem ordinariam et per commissiones eis factas iurisdictionem exercent actu recipiunt quia quotiens papa nobis committit 7 2

Impetrans non potest uti gratia nisi postquam littere sunt confecte que gratia potest probari per supplicationes signatas aut per testes xx v q. ii consistorio et non potest uti exequtoriis que solum pendet a presentatione litterarum

Supra sunt concessa   Commissio iudici stricte interpretatur

Tenet impetratio iudicis per appellationem infra tempus habilis appellanti dummodo ipse appellans quamvis non admissa opposita exceptione non appellet

Non valet commissio appellationis ante eius interpositionem impetrata

~~Impetratio non faciens mentionem de sua vel adversarii sui appellatione valida~~
non valet de ex parte G. et T. bone de cons. veli
Per commissionem cause papa ad se negotium ad se revocasse ita
ut nichil de eo fiat per alium pro negatur sit pendente 26.1
Non tenet impetratio beneficii curati laicalis patronatus nisi de illo
iure patronatus laici fiat mentio sicut in dispensatione super
pluralitate beneficiorum obtinenda quia tunc est necessaria mentio 333

Consuetudine — Consuetudines generales ecclesiarum non perimuntur sed suspenduntur per clausulam
non obstantibus generales ex quo constat de mente pape largiter impetrantium
eos qui sunt gratiam ad maiores prebendas cum clausula non obstantibus
pro consequi mediatas 322 / 376
Consuetudo optandi extenditur ad maiores et non minores vel
inferiores gradum prebendas 379
Consuetudo valet quod receptus in canonicatum ultra numerum non
possit optare maiorem sed minorem prebendam 379
Consuetudo valeat quod quis minorem potest optare maiorem etc.
Per consuetudinem ius naturale non potest in totum tolli sed bene augeri vel minui 474
Consuetudo est eiusdem actus reiteratio ut C. de spoli. auctoritate L. in XX ergo nitatur
Sicut optio prebende reservate prohibetur ita eius fructus qui accessorium sunt 372
Consuetudo optandi superiores prebendas per clausulam generales non obstantibus
non removetur quia gratiam impetrantis cum huiusmodi clausulis in prebenda
sibi debita dimissa sunt potest consequi effectum 376
Consuetudo optandi dat ius in prebenda 440
Valet consuetudo ut uxor succedat in omnibus bonis mobilibus mariti
382 et 474
Valet consuetudo etiam non prescripta videlicet x annorum in hiis que non
sunt contra ius commune 234 et 440 in medio
Consuetudo optandi prebendam aliam quolibet tempore possit induci 440
Consuetudo quanto tempore prescribatur 440 in medio

De electione

Election — Auditor qui pronunciavit electionem canonicam potest electionem et electum
confirmare
Electores protestatores et collectores possunt venire ad causam pro sua intentione
forma talis quia scribitur de elec. et c. quia propter et c. licet extra de locum
in ecclesiis cathedralibus et regularibus et non in inferioribus
et tales electiones fieri debent apud ecclesias in locis consuetis
si sit commode possunt contrarium in 330 contrarium habetur 434
Electio per impressionem facta non tenet

De renunciatione

Renunciation — ~~Resignans etiam ex causa permutationis perdit possessionem beneficii quod~~
pro tunc possidebat 307 / 477 ad idem

Resignari pt beneficium reservatum in manibus ordinarii 333
sed non potest per ipsum conferri aut permutari 2 11
Renunciare non possunt partes sibe ordinis iudiciarii cum illa sit
introducta etiam in favorem iuris publici
Renunciatio spontanea preiudicat et obstat renunciati cuiuslibet
non fiat in manibus ordinarii 273
Renuncians liti rechalorum condemnatur in fructibus a quorum solucione
eximetur nisi coram executore docuit alium possedisse ner per
illa renunciatione potius actor ipsa ante possessorem reape 272
Cessio pt laici valet in filium clericum emancipatum facta
cum laicus censeatur in hoc casu potentior clerico
Cessionis actionum materiam
Renunciare pt prelatus per procuratorem in ipsius presencia mandato
ante institucionem superioris 3 23
Renunciare simpliciter iuri futuro cuiuslibet non potest sed bene per pactum
bene per pactum renunciare pt cuiuslibet expresse appellacioni ideo de
cuiuslibet etiam per pactum contrarium renunciatur
Renunciatio legittime fieri pt coram ipso iudice alias non valet
per rationes c cuiuslibet de elec li vi in c si sup vi bi Renunciatio
cum tytuli beneficii facta coram auditore non valet nisi fiat in
manibus ordinarii collatoris aut ceterorum collatorum vel
alterius de speciali mandato pape 272
Cuiuslibet cum moretur in c venientis de renunciacione non potest
renunciatio facta absente parte tenet
Resignacionis recepcio est iurisdictionis non facienda in manibus
illius qui pt invitum deponere et tunc perdit titulum et possessorem
et valet se vacant in manibus capituli facta 331
Solo dissensu pt cuiuslibet a iure non eximi questio in re residue
sed non extra questio sine superioris licentia
Renunciatio beneficii reservati facta in manibus sui ordinarii obstat
agenti petitorio vel possessorio cuiuslibet papa causam renuncianti
non admittendo possessorem renunciante vel petitorio admittere
Resignatio metu facta vero restituenda et tunc est nulla quando
per presidentem iurisdictioni est extorta 271
Renunciatio facta per spoliatum cuiuslibet sibi non obstat agenti
possessorio tamen bene obstat sibi petitorio de non agendo nisi dicto
Renuncians liti et cause non per hoc renunciat iuri 272
beneficia resignata ex causa permutacionis vacant ita quod post huiusmodi
vacacionem debet sequi nova institucio 332 368 et 2 11
Renunciatio beneficii debet fieri in manibus illius ad quem de iure
communi pertinet institucio non in manibus illius ad quem
de iure speciali pertinet tamen huiusmodi beneficii collacio 389

[illegible] negligentia platorum — Semestre ad conferendum beneficium ad episcopum per negligentiam
prelati inferioris devolutum incipit currere non a tempore noticie sed ab
ultima die sex mensium [illegible] ad providendum dati dummodo ipsum
beneficium tempore devolucionis de iure et de facto vacaverit
et episcopus sciverit [illegible] 3 e 3
Si archiepiscopus fuit negligens infra semestre tempus
conferre non tamen habebit aliud semestre, ut legatus habet
cum utraque potestas possit concurrere in collacione et inferior non
supplet beneficium superioris, sic capitulum negligentiam sui episcopi
suppleat 3 e 1
A negligentia excusatur electio de [illegible] facta si non a culpa 337 ad finem
Non supplet negligentiam episcopi capitulum in beneficiis ad episcopum iure
devoluto spectantibus 3 1

[illegible] temporibus ordinandorum — Ydoneus ad canonicatum ecclesie cathedralis reputatur qui
annum xiiii compleverit
In annum [illegible] completo

[illegible] etate et qualitate — Ydoneitas persone [illegible] [illegible] per testes sed in [illegible]
[illegible] [illegible] examinatus 2
de [illegible] [illegible] de petro x l vii. di. de. [illegible] ex
officio [illegible] non tenetur [illegible] ita [illegible] [illegible] per [illegible]

[illegible] filiis presbiterorum — Dispensatus per episcopum non potest recipere canonicatum ecclesie cathedralis 3 6 7
Dispensatus super beneficio non potest illud permutare nisi [illegible] sibi specialiter
concedatur 3 1 1

B

Bigamus — Bigamus ordinatus caractere recipit si execucionem [illegible]
cum quo potest papa dispensare de absoluta et [illegible] potestate
cum papa maior est apostolo 8 2 9

de officio archidiaconi — Archidiaconus de iure communi est immediatus prelatus post
episcopum in ecclesia cathedrali 3 2 1

de officio vicarii — Vicarius generalis potest de criminibus inquirere et ad episcopum sibi
culpabiles puniendos remittere 8 6
Vicarius generalis episcopi alium vicarium generalem constituere non
potest nisi ad hoc speciale habeat mandatum ab episcopo 8 2
sed specialiter vel ad [illegible] causam potest 8 1
Pro delicto officialis sui episcopus tenetur 8 7

~~Vicaria petita est petitum burgensium et ad omnia teneatur~~
vicarius ad quod rector vicarius episcopi generalis in conferendo
beneficia non habet nisi consistorium cum episcopo 8 8
Delegatus extra locum in quo deputatus non potest procedere nisi expresse
ambe partes consenciant 8 A
Si unus ex pluribus delegatis non insolidum deputatis procedat non tenet processus

De officio delegati

Delegatus ordinarii ad certam causam deputatus non potest
committere receptionem testium vel quemlibet alium actum cause cognitionem
requirentem sed merum ministerium ut puta testium examinationem per
eum receptorum bene committere potest 8 I C n
Valet processus duorum ex tribus delegatis non clausula quod si non
omnes deputatis duobus ex post facto constet de impedimento tercii licet
dominus quintus tenens quod processus duorum per tercium ratificari non
possit 3 7 o
Executor datus non clausula quod si non poteritis duo alii gratiam pro
ficiat et exequantur
~~Eius~~ subdelegetur valet subdelegatio et processus per eum factus quod
quod duos non valet 3 C 8
Summus sutor (?) deputari potest in quacumque diocesi qui post protestationem
et receptionem litterarum effectum petit bene non potest onerare servus si certe quod ... pauperi
Executor est delegatus et non recipit iurisdictionem nisi tempore
presentatione et recepte commissionis et ideo non potest subdelegare
prius quam iurisdictionem habeat 3 7 2, et C 3 9
Auditor extra Romanam curiam non subdelegat nisi certam actum
puta examinationem et receptionem testium et de consensu partium
et tamen commissarius alteri committere nequibit etiam si ad id
voluntas expressa accederet partium Et subdelegatus a principe
nec ~~delegatus~~ electus ordinarii potest alius committere vices 8 I
Auditor ad videndum admitti debet in curia Romana ipsa et extra per
citer adiustriam (?) sed non ad videndum decernere remissionem ad partes
qua remissionem decreta ipse de consensu partium dat commissionem
vel cancellarie delegatis iuxta tenorem et punctum de testibus hic in
Compulsor

Cum committitur absolute vel testium examinatio seu merum ministerium
seu aliquid sine quo testium fides onerarentur non potest subdelegari et
ideo executor cui examinatio personae committitur et eius conscientia
oneratur prius examinet et postea subdelegat et hoc contingit de forma dignum
Executor in forma pauperum vel laudabilia ex officio etiam in
absentia partis potest inquirere de vita et moribus impetrantis cum
iam fuit in curia Romana examinatus et declarare ipsum idoneum
ad gratiam consequendam 3 C 9 cetus de forma dignum quia tunc
requiritur persone presentia
~~Ad tempus est appositum decisioni et non iurisdictioni de~~
voluntate partium et delegati potest prorogari et terminus finiet ultra tempus
statutum in specie de iudicio delegato in quo restat quid si ... si

Executores gratiarum apostolicarum prout sunt modo in stilo committe[n]tur ex simplicibus . . . de stilo est et non tenentur observare c. statutum de rescriptis nisi assumerent partes . . . . ordinariales, quia tunc tenentur observare dictum c. 371 et 392
Delegatus ab ordinario non potest alteri subdelegare totam vel partem nisi sive articulum cognitionis non reservet, potest . . . ordinarie et totam causam potest committere alteri si ad hoc habet speciale mandatum 360
Delegatus antequam literas recipiat non habet potestatem iurisdictionem exercendi 239 ad finem
Dicitur quod executor debet esse certus
Mandatum apostolicum episcopo sub nomine dignitatis directum eo mortuo etiam re integra successor confirmatus exequitur ad . . . respiciat iurisdictionem suam ordine
Cessante delegatione non suscepit et delegatorum probatio per . . . levare fiet, sive si per . . . . . earum tenor per testes probari potest per mortem cuius potestatem conferendi non expirat cuius in alium per . . . . . ad probandum questionem

Legatus de latere vincit iustitia in . . . suae legationis maior sit quolibet ordinario 89 et 91
Legatus vel ordinarius non potest alicui committere quod recipiat resignationem beneficii alicuius singularis personae et conferat alteri . . . . . et in quem . . . possit
Legatus non potest conferre . . . reservata . . . a . . . potestatem . . . beneficia vacantia conferendi 92
Legatus etiam de latere non dispensat super pluralitate beneficiorum in compatibilium 96
Ordinarius quibus dare seu constituere possit 83
Ordinarius causas futuras committit . . . iure
Ordinarius tamen subditorum de eorum expresso vel tacito consensu potest committere alteri ordinario . . . eius territorium . . . 88
Vicecancellarius ex suo officio committit causas devolutas alias non nisi de speciali mandato
Episcopus non dispensat contra concilia generalia sine magna necessitate vel utilitatis causa 337
Auditor remittit causam ad cancellarium quando habet . . . . . . sive . . . . perplexi, de re . . . . remittendi . . . . .
Auditor . . . non diffiniebat causas sed referebat . . . de . . . . et de . . . in . . . . . . de mandato . . . . .

[margin:] . . . officio legati

[margin:] De officio ordinarii

[margin, red:] Legatus . . . . . officio . . . . .

[margin, right edge:] De off . . . / De . . . / . . . obvi . . . / De . . .

Audi[tores] sacri palatii sunt egregie persone [...] et tales sunt iudices ordinarii et per distributionem commissionum acta recipiunt iurisdictionem extitisse quia per quod commissionem iurisdictio eis non attribuitur sed solum causa extitiu [...] In pronunciando tamen et diffiniendo sunt delegati et ideo suas sententias non possunt emendare nisi sunt [...] quia consuetudo [...] audienda committitur per capitulum [...] de offi[cio] deleg[ati] ad hec

Tenet processus iudicis [...] per alium iudicem [...] remittitur [...] si remittens ad cautelam procedit cum extunc perdiderit iurisdictionem [...] qui alteri remittat

Iudex [...] a se abdicat iurisdictionem [...]

Iudex extra curiam Ro[manam] non citat nec committitur nisi eis specialiter concedatur [...] ad cautelam absoluat nisi de voluntate partium ut de testibus

Auditores palatii in procedendo alios [...] ordinarii extra Ro[manam] curiam [...]

Auditores strictissimam habent potestatem [...]

[...] propter causas necessitatis vel utilitatis dispensat [...]

De offi[cio] iudicis — Iudex tamen ex dictis testium vel instrumentorum productis coram eo de aliquo forte [...] suppleri defectum quia notum est sibi ut iudici secundum [...] de posita [...] et alle[...] de cor[...] et [...] ff de ap[pellationibus] et [...] de acti[onibus] [...] et ff de edicto [...]

De maioritate et obedientia — Archidiaconatus ecclesie collegiate est dignitas [...] sit caput collegii et in nomine dignitatis sonet [...]

De iure com[muni] [...] maior [...] in cuius loco succedit [...] in [...] collegiatis ecclesiis ubi sunt plures dignitates [...] maioritas attenditur ita maiore spiritualium administrationem cum spiritualia sunt temporalibus dignioraa et si ultra hec dubitatur consuetudo loci vel provincie observatur [...] et melius [...]

De pactis — Iuri futuro per pactum [...] renunciari

procuratoribus

Procurator constitutus ad causas duntaxat ad Ro. curiam hac gene-
ralitate quod mandatum sufficiens ad causas quascumque per dominum nostrum papam
specialiter in curia commissas cum potestate citandi in dicta curia
vel extra. Cum prius confessum sit non tamen presentium et eo futurum includitur
iuxta mandati naturam et verum principium ut l. C. de pacto
in fine. Et multo clarius si constituatur pro quod commissionem litterarum
vel appellationem interpositam et forsan procedit si constituatur ad causas
devolvendas quamvis tunc non forent devolute 10 K et L A T

Procurator per litis contestationem dominus litis efficitur et ideo sine causa expresse in prima
instancia a domino principali non potest revocari. Sed an litis contestatione in secunda
instancia ad quam per appellationem ab ipso necessario interponendam deberet
simpliciter potest revocari quamvis habuerit mandatum ad prosequendum
appellationem quod sine quo ad prosecutionem non admittetur

Cum mandatum simpliciter sine protestatione recepit cogetur ad omnia
contenta in mandato prosequi et finire. Nisi dominus eum revocaverit
expresse etiam post litem contestatam dominus non contradixerit cum sciverit aut
tacite in iudicio comparens alium substituerit procuratorem

Procurator habens mandatum generale a domino in omnibus causis motis
et movendis potest tractare causam beneficialem etiam sine speciali
mandato ad illam 101

Procurator in Romana curia constitutus tenetur in animam domini et suam iurare 10[illegible]

In quacumque parte litis procurator fuerit tam domini pro malicia illam deserere
et eo compellitur etiam in animam suam iurare l 60

Procurator ad litem pupillo datus non tenetur inventarium facere

Iudex ecclesiasticus dat curatorem ad lites laico coram eo agente

Non sufficit probare procuratorem aliquid illicite attemptatum nisi ostendatur
eum ad hoc speciale mandatum habuisse vel dominum suum ratum habuisse

Valet processus cum uno ex pluribus procuratoribus in solidum deputatis
in causa beneficiali nulla exceptione facta quem illum iudex videtur
elegisse 108

Simplex constitutio secundi revocatorium primi ~~comprobat~~ arguitur 106 et 109

Substitutus post litem a se contestatam potest alium substituere 110

Quamvis procurator factus dominus litis sit revocatus non tamen potest esse testis in ca-
usa fide facta de absentia procuratoris a civitate et suburbiis ubi degeret
tunc procedi potest per audienciam 103

Commissa persona in spiritualibus non admitti sine mandato licet in
temporalibus admittitur cum cautione de rato 116

Procurator non potest ante acceptationem mandati substituere 111

Substitutus ab eo qui habuit mandatum a domino censetur ab eodem
domino constitutus et eo post litis contestationem potest alium constituere 112

Procurator qui simpliciter mandatum acceptavit ad appellandum compellitur
ad prosequendum appellationem per eum interpositam si primum mandatum ad eo
extendatur 106 et 113

~~Mandatum extenditur ad futuras lites dummodo tamen mandanti non repugnet 181~~
In causa criminali gesta per procuratorem domini personaliter citati valent 176
In prima instantia procurator substitutus non potest per se ipsum collegam procuratorem
in secunda instantia revocare 118
Procuratorium sigillo autentico munitum etiam absque subscriptione notarii
et testium valet ad causas 117
Morte domini extinguitur lis, ... eius procurator in causa criminali iudicium
non potest continuare
Re integra substitutus potest causam reassumere et etiam acta per substitutum
ratificare 236
Ex reus principalis ob causam criminalem captus potest in ea procuratorem instituere 121
Habens mandatum ad opponendum contra et desistitus potest illa opponere ...
in primo non fuit specificata 130
Generalis tacita revocatio non extenditur nisi ad species similes sibi
Procurator generalis ad negotia potest iustitia acceptare
Sollicitor est negotiorum gestor ... et potest de iure plures simul in
procuratores in secunda instantia constituere, si non addit citra revocationem
primi intelligitur revocasse primum 106
Procurator in causa dari potest per reum captum 121
Procuratorium exigitur translationem ... iuxta ... de prima 12[illegible]
~~... constituere ... sed ... est ...~~
~~Dumtaxat constituat quem dando alium revocat ... 91~~
Dominus ... revocat procuratorem prime instantie ... mandatum
ad appellationem prosequendam non tamen revocaret etiam dando alium procuratorem
qui non acceptare 132
Specialis procurator per se ipsum generalem non revocatur 138
Qui procurationem semel acceptavit illam prosequi et notario satisfacere
tenetur 137
Ad allegandas causas absentie vel excusationis pro personaliter citato ad
mittatur etiam procurator generalis 162
Substitutus donec revocatum substituto eius desistente causam reas-
sumere et eius appellationem prosequi compellitur si ad hoc mandatum habeat
Nuptias in contrahendo matrimonium carnale vel spirituale exigatur
mandatum speciale tamen sufficit super utroque ad iudicia generale 101
Successor potest acta procuratoris antecessoris sui ... ratificare
Substitutus ... donec ... ad se ... revocandi ...
mandatum revocandi si ... substitutionis mandatum precedat ... 102
Generalis procurator et non specialis ... inducias ad ...
super causa de qua non potuit ... informari 380
Mandatum procuratoris et iudicis delegati ...
... mandatum procuratoris ... ad ... non expressas extenditur
nisi verba ... specifice apponantur 202

Constituit ... / ... / ... dumtaxat constituat quem / dando alium revocat / ... 91

Nota procurator substitutus ex speciali mandato domini substituentis etiam remotiua non expirat secus si ab eo ut dominus litis factus foret 107

Absque speciali mandato generalis procurator non potest petere absolucionem ab excommunicatione ipse aut quicumque persona procurator petere excommunicationis sentencia nullam procuratam

Mandati fines procurator excedens non preiudicat domino suo nisi dominus factum procuratoris in fauore sui infra tempus quo ipse potuisset id expediuisse aut in preiudicium suum unquam tacite vel expresse [illegible] ratum 111

Dominus tacite et expresse potest factum sui procuratoris ratum habere de potest procurator dominus litis factus procurator tamen ex mandato substituendo simpliciter non ratificat nisi hoc expresse faciat 136

Ratificat dominus gesta falsi procuratoris si exequitur 131

Procuratorium continens ita personas ad alias non extenditur nisi ille generales subsistant et ideo veniens ad causam promittere habet dominum principalem ad ea vocari

Procurator qui dedit libellos etiam per iuramentum potest illos renouare tanquam datos per errorem etiam non docto de errore de stilo et obseruacione palacii 191

Defensor sine mandato admitti potest pro absente etiam ubi commissa est inquisicio in fine ut reportat tamen commisisse super beneficio 107

Procurator constitutus ad omnes causas deuolutas ad curiam potest agere tamen pro causa constitucionem per specialem pape commissionem in curia commissa 117

[illegible] ex metu

Que metu facta licet docentur pro procuratore rescindatur [illegible] [illegible] tam [illegible] et spirituale ac [illegible] per breuem inquisicionem solemniter extorta que sunt nulla ipso facto

Metus iuste excommunicationem non excusat si iniuste sic 117 et 178 in medio

Restitucio in integrum

Restitucio in integrum non datur ubi competit beneficium ordinarium 31

Petens restitucionem in integrum aduersus sententiam vel sentencias antequam audiatur debet summarie docere de aliqua noua causa propter quam per ipsam ipsum fore lesum quo docto procedat et ostendere et probare sententiam et sentencias esse iniustas et quare iniusticia arguitur manifesta lesio 260

Non est necessaria litis contestatio in preambulis de gradu restitucionis in integrum ad appellandum sine aliud actum aut modicum ea petendo

Secus in principali processu integrat

Antequam quis ad appellandum restituatur debet probare impedimenta sua et iniusticiam ex quo resultat lesio talis sicut 278

Quadriennium computatur a die quo effectum lesio fuerit subiecta et sic a die late sentencie que fuerint in re iudicata conseruata tamen est quod petatur restitucio aduersus sententias et processus [illegible] obtinuisse 260

Per litis contestationem factam in causa restitutionis in integrum principalis intentata precluditur via pambulere cognitionis de suo interesse
Lite restitutionis ad appellandum pendente nichil debet innovari et innovata revocentur per modum attemptatorum r 6 contrarium videtur q 2 8
Restitutus ad appellationem a die restitutionis infra decendium debet appellare
Restitutio ad appellationem reponit tantum instatum ac si sententia non transisset in rem iudicatam q 2 8 per medium
Restitutio ad appellandum non petitur per executionem nisi in causa beneficiali vel iudiciali q 2 7
Restitutio in pristinum statum reponit q 2 8 per medium

De alienatione rerum eccl. — Cessio facta per prelatum in filium pena pro restitutione aut contra possessione et limitatione que potentia extimatur variationem iurisdictionem et limitationem fori aut sublimitatis in qua plures habundat laicus quam clericus non valet sed minus valeat in clericum emancipatum r 1 q

De iudiciis — Prelatus cum possessionem talis sive pro nomine talis agit
Iudex cognoscat an pro se iurisdictio
Opponens se non posse consequi in partibus complementum iustitie propter pa pt
Probare iuramentum ab instantiam iudicium actore non comparente
Reus absolvitur vocato actore ter per audientiam publicam et actor condempnatur in expensis et hoc simul et in toto et ideo non expirat communitam delegati misso quam in vim prime commissionis ad instantiam actoris quocumque venientes iterum fatiet reum citari et tamen finiet licet perierat instantia non periit mandatum delegata tamen perpetua
Clausula
Habere limitationis et restitutionis in integrum prius sunt tractari
Sed non contradicitur in r et lucidum ex lege y 4 de rescindenda venditione quod sibi repugnant ex quo supposita iudicium validatur
Abbas et conventus sunt ad causam vocandi licet corum quilibet possit monasterium prius deffendere
Auditor cui causa appellationis a gravamine ab alio iudice interposita est commissa prius de gravamine cognoscat et quia gravamen fundabit

Monachus pro futuris alimentis contra Abbatem suum agere potest non pro preteritis j 2 q

Pro defensa monasterii vel abbatis sui etiam sine mandato agere monachus qui tunc contra expen per iudicem taxandas secundum qualitatem persone et valorem monasterii et extimationem cause j 2 q

Commissio cause includit etiam appellationem que per alteram partem non est opus noua citatione

Per simplicem commissionem agi potest petitorio et possessorio nisi tunc alterum eorum sit commissum 3 q

Pronunciabis se iudicem qui iudex non est se iudicem non facit nec desinit esse iudex si iudex est licet pronunciet se iudicem non esse vel pronuncians tamen deuoluta et deuota non est ff h c iudex

Quiuis dominus possit agere pro oppressoribus subditorum suorum residentibus in prouinciem sue iurisdictionis non tamen pro eorum comodis priuate

Si tamen in partibus pendens extra sententiam commitens alteri ille restat citabit partem et conuenibetur

Auctorizat iudex secularis emancipationem quam potest laicus facere de filio clerico quia actus pure agentis est non filii est et a lege ciuili et non secularis introductus 3 q

Competens iudex censetur ad auctorizandum alienationem rei ecclesie in cuius iurisdictione est persona alienans et nichil xvii q iii

In tamen in venditionibus in j glo et sufficit consensus illius episcopi in cuius diocesi est ecclesia cuius res est alienanda secundum Ioannem et Hostiensem in c pastoralis de priuilegiis secundum alíquem dicunt quod utriusque episcopi et ciuitatis necessaria ar ff de extra tutores l in personas consimiles 3 q

In extra iudicialibus actibus expediendis iudex agentis actu competens esse censetur secus in iudicialibus in quibus regula stat quod actor sequitur forum rei

Ordinarius potest secundum canones ea que pure meri imperii delegare secus secundum ius ciuile quia tunc predicta ratione persistit quod cum

Iudex domicilii citare potest subditum extra territorium existentem etiam ad afficiendum personam non potest iudex rei contractus vel delicti xxj

De libelli oblatione

In appellationis causa libellus datur secundum materiam subiectam sufficit tamen libellus pro principali

Actor faciens mentionem in libello de certa scriptura tenetur eam reo petenti si eam in promptu habeat antequam reus libello respondeat exhibere alias respondebit reus si invenerit actor eam penes se non habere vel si tenor scripture quod sit in ipso libello expressus quod ex eo reus ipse possit plene deliberare aut quod eadem scriptura penes ipsum reum esse debeat | 16

Latens in aptitudo repellet libellum latens non est per quam libello iudicium et demanda fundari possit 2 7 8

Si de iure agitur sufficit specificatio libelli dicens talis esse quod ex ea reus possit certificari sed non tanta cauta in obiectibus exigitur | 19

Libellus interdicto unde vi dicens dedisse violentiam quam probata res ablatas per iuratam probabit ergo non tenetur eas in libello specificare 2 0 9

Verba Rescripti sepe imponantur in libello sive in modo agendi et ubi verba libelli sunt ambigua eorum sensus recipitur qui magis utilis est et expediens pro intentione actoris

Incertitudo libelli admittitur quam per articulos et positiones potest declarari

Valet libellus in quo libellans narrat fundum ad se pertinuisse et pertinere consuevisse et petat sibi eum adiudicari licet non addat et pertinere | 11

Libellus non valet sine petitione et conclusione 2 9 3 in medio

De litis contestatione

In casu in quo exigitur litis contestatio tunc in eius loco ea apponitur a differentia est licet necessaria si utraque pars sit in iudicio presens alias si altera pars est absens pro contumaci procedi potest licet non contestetur

Quando in principali causa fuerit contestata admittuntur due cause litis contestationis indirecte videlicet si libelli sunt contrarii aut calumniatur iniusti pars non respondebit libello 2 et 2 6 2

Cum petitur restitutio in integrum post lapsum fatalium non est necessaria litis contestatio ideo quia non principaliter sed incidenter petitur nec etiam quando principaliter restituendus tamen petitur sed quando restituendus restitutionem implorat | 8 2 et 2 6 6

Per simplicem negationem petitorum aut narratorum in libello fit litis contestatio que non impedit contraria protestatio cum presumatur quod quis verbo exprimat quod mente non agitavit | 1 2

Petitio declarationis non exigit litis contestationem | 8 0

Litis contestatio facit quemlibet possessorem male fidei et ideo deinceps fructus extinctos perceptos tenetur si surrubat | 8 2

Pro responsione rei negative petitionem libelli actoris etiam absente et partem eius libelli gestetur fit litis contestatio quando actor in sua posita intentione se presente presumitur | 1 8

De citatoribus
citationibus

Metus exceptionis impedit litis contestationem | 7 8

Litis contestatio est testatio sine mente declarato volentium litigare | 1 8

Fit litis contestatio per omnem responsionem etiam in summaria contra petitionem petitori actoris de re sic ipso tamen ad sedem in gl. sup. R. ff. uet. stire

Litis contestatio in causis in quibus servandus est ordo iuris obmitti non potest etiam de consensu partium quia est substantiale iudicii | 8

Litis contestatio non est necessaria quando agitur de nullitate sententie vel processus si de huiusmodi nullitate notorie constat exactis secus si opponitur de festino aliquid extrinsecus | 8

Litis contestatio non est necessaria cum petitionem restitutionis ad appellandum | 8 7

Habet citatio ad domum ad audiendum diffinitivam si semel in causa maxime ab initio fuit persona apprehensus vel semel comparuerit et iudicio se sisti promiserit | 7 8

Executio citationis per edictum adminus in duobus publicis locis in partibus magis tute consistentibus fieri oportet preter formam mandati | 1 6

Citandus requiri debet aut ubi nunc est facienda intimatio apud ecclesiam suam parrochialem aut aliud beneficium residentiam requirens et ecclesiam cathedralem illius loci

Terminus probationis a iure statuti de momento ad motum currit ipso iure a die quo iudex exceptionem admisit et non quando opposito et excepto

Citatio originalis per edictum debet legi in audientia publica et affigi valvis pallacii et ecclesie maioris ubi sunt degit ac post ecclesiarum illorum locorum in ea designatorum et in eisdem locis per aliquas horas affixa dimitti et postea copiam eiusdem affixa eisdem locis non sufficit | 1 1

Citandum est personaliter requirendum ubi eius potest si constet de mandato apud domicilium suum quo non reperto citatio publicabitur ibidem et in cathedrali ecclesia ac in beneficio de quo agitur in sub presentia Notarii et testium copia ibi dimissa

Tres sub forma peremptorie sententie etiam si hoc in eis non exprimatur et postea vel ulterioris fit assignatio a qua pendet in quorum ultimo si venerit poterit litigatus iste expediri | 7 8

In causis communibus trina citatio aut una peremptoria tamen tria edicta exigitur ad constituendum que contumacem ut contumax fieri posset missio in possessionem vel sententiam diffinitivam sed si tamen non venit ad prima vel secundam citationem potest in expensis condempnari Alie vero medie citationes sunt peremptorie

ut no gl. scz v° dilatori in c. quid de pla et c. quelād de prur

et c. i de dolo qt li vi in gl. y

In alijs vo causis privilegiatis a iure aut a principe qui procedatur

simpliciter et sufficit una citacio personalis aut que continuare per

audiam ad audiendum sentenciam sine expressione particulari. Nunius non

esset necessaria si a iure vel ab homine ad totam causam foret

citatus. Ueq etiam in causa prophana si prior apprehensus vel

maliciose preveret quod ad eum citacio non perveniat et non

in aliqua parte cause comparuerat tunc etiam contra eum etiam ad

omnes actus medios et ad sentenciam licime procedatur

Senes sexagenarij et a deo debiles quod non valeant equitare

a personali comparicione excusantur ad quod tenentur senes robusti

et valentes laborare 160

Octo dies ad repetendum sumptus indebite prestatos sunt utiles pro ita quod

in octo diebus intra illi tenentur veniunt prestandi

Cuiusmodi citacio execucionis non habuit limitacionem tunc ex debitis consuetudine

constituit quod continuare videlicet si citatus constituit primitus ad causam

aut alius possibiliter ad eius pervenerit noticiam 163

Citatus ad personaliter comparendum non per procuratorem sed per seipsum

venire tenetur 161

Nullus aliquis est excommunicandus nisi prius fuit apprehensus

In fine vero citacio per cursorem facta inducit litem pendentem si contra finem

causa lata est ele cum lite ut li pen 168

Guerre et inimicitie personales et capitales a personali excusant

comparicione cum tunc generales pro eo dum tum salvus tutus conductus haberi possit 167

Citacio est iudiciorum fundamentum et ubi ipsa deficit ruit totus processus

Si tertius terminus ad aliquem actum extra iudicialem expediendum

statuitur et infra illum non expeditur in expedient ve contra potest

expedire Set dicitur considerari tunc tempus additur

Vaga mota est nimis generalis citacio non artat et ideo ita citato

et prius exemplo ad differenciam sentencie exigitur 80

Citatus ad audiendum etiam allegare comparere tenetur allegaturq

defensionem sua. Contra inutilis non fuit primus si tenetur aut liva vocatorem

non contineat inquisicionem dicto narret id quod si verum foret comparere tenetur

Generalis citacio omnium quorum interest non est artatoria sed

monitoria. ita quod omnes qui spontanei sua interesse poterit venire

ad causam si volunt et tunc illis qui venerunt poterit procedi alias non

Per generalem clausulam in citatorio positam executor quomodo non potest

singulares personas in ea non expressas citare quibus tunc in genere

comprehensis aut causa agi sciencionibus pendeat sentencie si agere

voluerint. Set contra eos possessionem incubentes et se defendentes

sentencia nulla non demandabitur execucioni.

execucioni

4 . . . cat

Testis actor vel reus presumptus citati super actu quem in studio in patria alterius partis gesserunt

Si tamen comittatum non obstantibus feriis citatio etiam per edictum tunc fieri potest et tenebitur processus contra contumacem ac si presens fuisset aut presentes essent quia excommunicari non possit nisi presens citatus fuit 173

In palatio apostolico Anno domini per litteras contestatio super peptorii 181 pridem

Annus domini secundum morem Ecclesie Romane computatur a die nativitatis domini nostri Iesu Christi 311

Sed in Anglia et Ytalia incipit ab incarnatione eiusdem domini de mense marcii 318

feriis

In possessorio tempore feriarum procedi potest etiam petitorio suspenso 212

Citatio ad diem feriatam non artat citatum in testem ad comparendum in diem sequentem 179

Tempore feriato committi et exequi potest citatio etiam per edictum 173

Possessor beneficii excusatur ab onere probandi titulum suum in ipso beneficio dummodo probet eius acceptationem

Sufficit probare per famam et alia adminicula quod collator beneficium in quasi possessionem conferendi f. 1

Qui semel possidet beneficium illud usque ad tempus litis sue possedisse presumitur

Si suspenso petitorio a sententia super possessorio lata appellet iudex cui causa appellationis et negocium principalis committitur potest audire partes super petitorio ne continentia causarum dividatur Sed contra si causa appellationis sibi tantum sit commissa 211

Possessor beneficii potest agere nomine beneficii condicione ex decretali prelatorum pro pensione annua solita suis antecessoribus licet ipse nunquam fuit in possessione percipiendi dictam possessionem 262

Pluribus vicibus etiam in eadem instancia potest suspendi petitorium ante conclusionem 269

iuspatronatus

Is qui possidet dignitatem vel castrum aut villam ad quam ius patronatus spectat presentare et aliis actibus possessoriis uti potest presertim super hiis controversia aut lite ante tamen lite contestata pariatur 336

Duobus litigantibus possessorio tercius qui spolio non consentit super petitorio pro suo interesse auditur 213

Is possidet tamquam nomine ab eo qui mandatum habet et reddit quod solvat possidet

Si no constat de iure actoris reus etiam si nullum ius habet de iure suo
venit absolvendus 263
Petitorium utriusque partis simul in causa beneficiali potest suspendi non
tamen in causa prophana
Resignatio vel appositio manus pape impedit petitorii suspensionem
Suspendens petitorium utriusque partis potest in utroque procedere non
obstante protestatione actum contraria 218
Possessor in causa beneficiali potest agere et absolvatur ab impetitione rei
nichil probantis qui etiam sibi condemnatur in expensis 267 et 228
Si pro iure suo conservando possessor beneficii agat vel appellet non habet necesse
iure superioritate obiectionis ... si ius adversarii impugnat
Male fidei possessor de quo constat non facit fructus suos gesta tamen
eius valebunt donec ab ecclesia tollatur quod ei ius toe non resistat quod eo
corpore et animo acquiritur possessio / et ideo possessio iuris canonicalis
acquiritur per assignationem stalli in choro et loci in capitulo et
eorum extrinsecum et ecclesie / per assignationem funium campanarum
et cornu altaris / et aliorum actuum similium / et prebende aut beneficii
per inductionem fundorum congruorum / qui separatorum debet esse separata
apprehensio / nisi esset ita consuetudo ecclesie apprehendendi possessionem
que tunc omnino servaretur 210
Sufficit etiam quod apprehendens possessionem maioris dignitatis / intendit
capere possessionem omnium aliorum iurium scientibus et patientibus
quorum ad eum spectat 212
In possessorio ex parte possessoris habet locum testimonium de auditu
Delatio appellationis in possessorio extinguit etiam iurisdictionem super proprietate
Dominium vel possessio per tertiam personam acquiritur si habet mandatum speciale
Aut si dominus acquisitionem eius nomine / per consanguineum vel extraneum
etiam factam ... ratam habuit infra tempus legitimum
Spoliatus ad possessionem per sententiam restitutus petitorio suis
subire non cogitur quousque expensis / et fructus in quibus spoliator
exstitit condempnatus recuperet / simul absque hoc vero petitorio
resumere posset 222
Dominium ... probatur per famam aut reputationem vel possessionem
ideo quod per veras causas probari oportet
Pluribus viribus potest spoliatus in eodem iudicio petitorium in causa
beneficiali suspendere / simul in alia causa non privilegiata
... super proprietate spoliationis actio vel exceptio intentari
non possunt / De resti. spo. in c. ex conquestione in gl. per hoc igitur
et per ... super spoliatione de ordine cognitionis
Per simplicem commissionem agi potest petitorio et possessorio dummodo non
sit alterum eorum commissum 381

Si actor suspendens petitorium obtineat in possessorio et lite restitutum
succumbat in petitorio condempnabitur in fructibus et expensis a tempore
primi petitorii inchoati
Cuiuslibet generalis possessio iurisdictionis alicuius castri vel ville acqui-
ratur per unicum actum dummodo exercens intendat uti iure suo quod
sub ea comprehenduntur omnes partes
Tamen hoc non procedit in personis aut rebus distinctis in quibus
regula stat tantum prescriptum quantum possessum extenditur in
iurisdictione communis persone ad alia cuius [illegible] possessionis protendi [illegible]
quod quasi tunc prescribitur et non contra singulares personas e o 1
Actor qui suspenso petitorio in causa beneficiali obtinuit sententiam et sequestrum
in possessorio potest causam cedere ad quem primo adversarius appellat
etiam eo invito reassumere petitorium dummodo sit sibi commissum e o 8
Petitorium nichil commune habet cum possessorio ff. de acquirenda pos. l. naturaliter § nichil 2 1 7
Conclusio causae precludit viam suspensionis petitorii petitorii
Actor suspendens petitorium si recedit de curia potest cogi ad respondendum reconvencionalibus
petitoriis contentibus per reum possessorem oblatis 3 8 et sequenti

restitutionis spoliatorum

Spoliatus probata possessione et eiectione ac colorato titulo beneficii
eius possessionem cum fructibus recuperabit dummodo clare et notorie
non constet de non iure ipsius spoliati e 1 0
Specialis reservatio pape impedit restitutionem fiendam quando decretum
afficit titulum et possessionem. Non tamen generalis ut collatorem et
detentorem tamen dubium foret an clerici sufficeret 2 1 0 et e 1 2

Possessor violentus dolosus temerarius aut iuris contemptor condempnatur
actor in fructibus perceptis et qui percipi potuissent a die occu-
pationis super quibus ut in accessoriis valebit sententia licet
qua executor eum declarabit incidisse
Cuiuslibet color iuris a recipiendo possit excusare possidentem
sive vitio cum titulo ordinarii vel executoris si succumbant
condempnatur dumtaxat in fructibus perceptis post litem motam
quia lis eos facit male fidei possessores e 1 8
Cuiuslibet is qui nomine meo possidet eiciatur de possessione tamen
ego non restituar nisi probem quod quod possessionem vacuam habueram
vel quod ille mandato meo possedit seu quod fructus sive pensionem
solverit michi 2 6 1
Interdictum unde vi locum habet tamen persone violentia infertur et mandatur 2 0 8
Agens interdicto unde vi post probatam violentiam personae illatam prima probat
singulares res sibi ablatas et in casu in libello non tenetur specificatione
neque oportet 2 0 9
Ultima spoliatio purganda est primo 2 8

de dolo e

Petens restitutionem beneficii probare debet coloratum titulum
specificum non sufficit dicere in libello quod ante possidebat dicto
beneficio sed specificare coloratum titulum debet | 96 et 222.

Ultima prescriptio impedit restitutionem petitorum | 86

Restitutionem agri petens pro suo beneficio non cogitur ipsum agrum (?)
ad amorem beneficii petentis sed duntaxat ipsius agri possessionem probare

Petenti restitutionem obstat quod coram ... renunciavit sponte confessio

iuratum extra ... partium vel iudicata aut violenta possessio ...
omnino restituitur etiam si non probet de aliquo titulo quod in
beneficialibus decolorata possessione dote debeat 326

Agens possessorio restituitur contra eius spoliatorem quamvis ipse
alium de eodem beneficio spoliavit

Exceptio spoliationis non repellit aliquem ab agendo vel spo
liantem in mandatum vel ratum habentem 221

Adversus sententiam super manutenendo vel beneficio latam restitutionis seu se ad
appellationem ab ea admitti petentes exemptus audietur / exemptus tamen in aliis casibus quo audi[tur]

Petenti restitutionem decernat obstat si reus dicat casu de
licere prescripsisse / et incorrupte possedisse et possidere 186

Petenti restitutionem prebende non sufficit probare sibi assignatum
esse stallum in choro et vocem in capitulo sed quod possederat
fructus prebende 210

Petenti restitutionem obstat si constat per confessionem suam et
de non iure 326 et 387

Petenti restitutionem obstat si iuratum de non molestando spoliatorem
sponte prestitum est 382

De dolo et contumacia — Reus contumax non auditur appellans / quamvis fecit infra decem
dies possit a tempore notitie appellare 1 et 27 / et 70 et 122

Valet processus contra contumacem quamvis citationes si tamen non pre
de ... per audientiam non foret legitime

Citacio cuiusvis vel hominis artat citatum ad duo videlicet ad
comparendum et ita dicere et ideo quicumque actor venerit post diem
certam citationis ad eius instantiam contra citatum contumacem proceditur

Secundo citacio se extendit ad omnes actus incumbentes usque
ad sententiam certam / quando alias ulterius non proceditur sed
contumacia contumace comparente 166

Citacio vaga et nulla pronunciationem iudicis nullam reddit 80

Citacio non est actus iudicialis 173

Citacio ad omnes sententiam valet quamvis fiat ad ... semel si
semel maxime ab initio fuit ... apprehensus 178

Citatus per unum ex delegatis datis in solidum ut comparerat
coram eo aut suo collega / non tenetur comparere coram
collega 163

Non

Non

~~Citatus personaliter comparere tenetur personaliter 161~~

Clausula illa in rescripto inserta ac omnibus quorum interest
non potest per executorem citationis sed tantum per iudicem de quo
in speciali extrahi 102

Apprehensus personaliter per citationem vel ad domum citatus quia non comparuit et contumax
sententia est lata non auditur appellans. Secus si ex equitate
citatus ad domum vel curiam infra x dies a tempore sententie
audiretur appellans 177

Valet processus contra contumacem factus et admittitur eius procurator quandocumque
venerit in statu in quo litem invenerit ac tamen [illegible]
In causa beneficiali citatus [illegible] ad domum ad singulos actus
usque ad diffinitivam sententiam et non compareret causa expediri potest
tamen de urbanitate per audientiam [illegible] 161

Iuxta formam citationis stili palatii [illegible] ad singulos actus usque ad
diffinitivam inclusive

Ex actore contumace reus in primo termino compareat habet triplex
remedia primum potest reus procedere ad ulteriora tacite, 2m remissionem
[illegible] absolutionem ab instantia iudicii, 3m recom-
pensationem expensarum et potest quartum superaddi quod ulterius non
citabit nisi actor caveat de reconveniendo. Si vero reo contumace
actor compareat ad ulteriora procedere potest. Uterque tamen contumax
in qualibet parte litis veniens in eo statu admittitur sine
[illegible] dispendio 166

Citatus per edictum sive alias personaliter non apprehensus presumpta
contumacia a die sententie infra x dies auditur appellans. Manifesta
contumacia qui personaliter fuit apprehensus aut sciuit et comparere
noluit aut qui per frivolam appellationem a iudice recessit
nullatenus auditur appellans. [illegible] de stilo curie admittitur
appellatio si infra x dies a die late sententie et non [illegible]
fuerit interposita 1

Contra actorem commissionem et citationem impetrantem et non [illegible]
mittentem procuratorem et de [illegible] recederet ad instantiam rei etiam
postmodum statim comparentis, terminus per audientiam [illegible] ad
sententiam diffinitivam sive absolutoriam ab instantia iudicii
potest procedi 293

Iudex domicilii vel originis citat subditum extra territorium suum
latitantem ac si infra territorium latitaret, et non latitante
sed absentem citat ut afficiat bona. Dum fiat edictum
ad domum vel curiam 221

Iudex vero rei vel contractus citat iuxta formam [illegible] de fo-
ro competenti contrahentes 221

In criminalibus [illegible] remissio [illegible] non et ideo
in [illegible] iudex in suo territorio [illegible] ad instantiam iudicis rei
[illegible] vel delicti citabit contra quem non compareret tenebitur iudicium

Citatio que per commissionem pape committitur in partibus
facienda [illegible] secundum formam Clemen. [illegible] de elect. 112

Si actor etiam contumax pt reus absolui ab instan(tia) q(uo) 290
Actore non probante pt reus et d(e)z finaliter simul ab eiusd(em)
impetition(e) absolui etiam si ipse reus nullam petitionem dedit 291

De lite penden(te)

Iudex ex officio suo sine alicuius pt(is) instan(tia) renouare pt
lite penden(te) innouata quia plus offenditur iudex cuius
offitium contemp(ni)tur quam pars, ex(tr)a quod plus operatur inhibitio
lite penden(te) quam inhibitio hominis / non obstan(te) notabile
non nulli pt que ad optime obstaret si ad eius instan(tiam) proceder(e)tur 210
Lite penden(te) super beneficio mortuo uno litigantium extinguitur
lis quo ad eum licet tunc sit ad singularem successorem 111
Lite penden(te) super beneficio mortuo reo et possessore ad instan(tiam)
actoris proceditur ad ulteriora per audiam con(tra) omnes quorum
interest ad effectum admonitionis fiende actori etc. 266
Ut lite penden(te) nichil innouetur quod pt intelligi 268 et 299
Item y ut lite pen(dente) fortiori ratione etiam in actore locum h(abe)t 276
Attemptans aliquid lite pen(dente), in eundem post renouationem
attemptatorum pt et d(e)z in fructibus propter dolum et
malam fidem eius condempnari 218
Renouatur possessio in aliud li(te) pen(dente) turbata 266
Exclusio in causa precludit uiam reuocatio(ni) attemptatorum
Surrogatus ad omne ius defuncti admitter(etur) ad possessionem
et statum causae in quibus defunctus ipse erat
Quo ad actorem lis remanet penden(s) per citationem ad eius
instan(tiam) decreta
In causa beneficiali mortuo reo possessore ad instan(tiam) actoris
pt procedi per audiam con(tra) omnes quorum interest ad ulteriora
ad effectum admonitionis ipsi actori fiende, et forte per
fructus ad sequestratos obtinendos et sepe incitatur
de iure defuncti pt sciat(ur) de iure superstitis, et licet
appareat defuncto amplius ius non debere, non sp(ec)ta
tamen sequit(ur) ipsum ius superstitis fore debitum 266
Litis pendentia extinguitur per morte alicuius litigantium
super titulo beneficii quo ad eius priuatores quam processe
uariant(ur) per surrogationem in iure defuncti secus
si ageretur super proprietate
Cessio facta alteri litiganti, p(ro)p(ter) iura lite pen(dente) ualet
dummodo procedat a iure d(omi)no
Si in petitione commissionis in iure unius causa expressa peta(tur)
alia committi subdendo statum cuiuscumque status causae dignetur et re
per expressio ualet commissio in qualibet parte litis quam pertinet
extra sterna causa committit

In surrogatione iuris et litis per exp^a defuncti impetrata
a sp^o de sacri mentio de beneficiis obtentis quia vim collaciones
in re aliud aliarum per mutuum inducere litis pendentiam 168
impetrando vel acquirendo novi iuris lite pendente valet dicto adversarii
non nocuit 268
intimari non de continuari id quod lite pendente fuit impetratum
lite pendente surrogatus ad ius et lite defuncti possessor in statu lite
admittitur et non ad possessionem quam si superstes occupasset
eam per iudicem officium relaxare cogeretur et vacua fuabit 202
et si tamen illam apprehendit in illa remanebit donec evincatur
nisi ille surrogatus sit etiam ad possessionem
In locum actoris defuncti surrogatus continuat litem cum procurare
rei suppositis cum tu petenti dilatio assignabitur infra quam
dicto suo eiusdem surrogationis potest intimare 223
Litis pendentia in consistorio principis nunquam extinguitur nisi
per sententiam principis de qua constare debet per eius litteras vim
~~h b t ro~~ viij q v 51
Attempta infra x dies a tempore late sententie de iure appellationi gorto
beneficio in instancie revocantur de facto infra x dies a tempore sententie
per factum contra rem fuit appellato appellati
Tertius collitigans non potest sequestrare facere quam contendit possessionem 216
Confessio extraiudicialis in criminibus ad instanciam partis ~~factam~~ facta
nocet confitenti criminis in crimine non probat plene delictum
quo ad effectum pene ordinarie infligende, sed quo ad
purgationem indicium seu quo ad subiciendum confitentem torture 201
Rei confessio non probat titulum actoris beneficialibus
criminis in possessorio colorati illum ad effectum ut restituat
actor 394
Non potest quis confessionem adversarie partis sibi recipere nisi
eam totam partim contra se recipiat
Pars confessionis que est contra confitentem nocet si non probat ut
pro se induxit et in confessionem nulle sunt partes induct
nisi enim condempnandus
Verba confessionis contra confitento non recipiunt extensionem
Confessio spoliatoris sine titulo beneficio sufficit pro colore
~~titulorum~~ possessionis nomine spoliati ad effectum restitutionis
obtinende 206

De attemptatis

De sequestracione

De confessis

De probacoibz

Post conclusionem in causa beneficiali admittitur probationes per quas ipso facto conclusio intelligitur renovari si per eum contra quem fuit conclusum | 8 1 et hc pbar per Jo an in c ad petitionem de accusation super vbo et i m n col

Super gra si licet articuli dominis sint de bona materia licet male inte specificati admittuntur ad pbandum obiectus in psona vel gra adusarij quia pbare adusarium ius non hre (se) implemento gre sue ergo materia de hc data lest de iure dantis cum censetur de iure dantis qd implet ex non iure partis con quam dat | 93 et e 19

De fora impetracolis illius gre vide

De equitate canonica in causis summarijs post term peremptorium etiam post conclusionem admittunt probationes que in causis pphanis et criminalibus non admittunt nisi esset instrumentum vel lre autentice post que tam recipiuntur etiam probatio defensionis rei quo ad penam absolucionis tamen modo conspiciendum dummodo non nimis se actasse pe conclusionem quam tunc repellentur propter psumpta calumpniam nisi iuret qd de nouo ad eum peruenisset e 81

Non tenetur quis respondere interrogatorijs ptis adusarij et si videat pjudicare sibi confessio sua | 89 nisi dati sunt dispositive per modum positionum e 82

Positionibus lite datis tenetur ps vnde etiam per iuratum dudum pro alia partem facere date per iuratum als non e 82 in fine

Articuli debet tales specificari qd ps expectari et testes super eis depone valeant | 19

Sigillum epi quod et in quibus causis faciat fidem | 19 et 233 et e 23 et e 16

Post tam ad dd con articulos pr judex admitte vel repelle eos parte non vocata | 91

Probacio ptatis et iurisdictionis officialium ordinariorum et etiam per eosdem offerentes actorum et gestorum non est necessaria nisi per partem adusam negentur que tunc pbant per com reputationem in illarum partibus 23 e

Position in pma instan per curatum pcuratorem date possunt in secunda instantia per dominum principalem mutari et emeliorari sine expssa renovationis errore | 90

Quamuis date per ipsum pcuratorem expsse ex speciali mandato domini aut per ipsum dominum curatore aut pg pstitum calumnie iuramentum renovari non possunt

Post term peremptorium et ante etiam conclusionem in causa etiam pphana admittuntur lre de iure dantis in materia et fora ptinentes | 92 non obstante lapsu ti etiam ad pducendum omnia et e 8

Non tenetur impetrans pbare titulum antecessoris sui per cuius factum impetrauit dudum illius reputacionem et possessionem parifica pbet

Actore non probante etiam in causa beneficiali reus absolvitur
Sufficit probare quod collator beneficii erat in quasi possessione conferendi dummodo ...
eo non probi restat
Sigillum recognitum facit fidem ad id ad quod est ordinatum
Super articulis essentialibus non datur remissio nisi in casu quo pro eorum materia
locum habeat
In causa devoluta ad curiam non datur remissio pro instrumentis producendis sed
pro testibus etiam ad probandum peremptorias et non dilatorias quia dila
torie tamen tunc in curia probari debeant 220
Ubi articuli aliqui per testes et aliqui per instrumenta possunt probari datur re
missio 221 ^
Fallma vel reputacio non plene probant ut patet actore ... 201 ^
Omne quod de iure probandum non exigit scripturam per testes probari potest 21 ^
Articulus qualis admittitur dudum per testes quod instrumenta ad certitudinem reduci possit
In causis beneficialibus et matrimonialibus ... qui dedit articulos
etiam per iuratum potest illos mutare saltem per errorem de eorum errore per
ipsum iuramento docto / Item de equitate in causis ... dummodo
articuli dati possunt sine iurato 19 ^
Mandata debent probari per litteras que etiam per testes de eorum tenore
et continuo deponentes probantur
Negligentes in prima instantia ... in secunda in causa beneficiali potest
uti remissione neglecta 200
Probantur dampna quedam per testes quedam vero per iuratum 207
Res que consistunt in animo alterius probari non possunt nisi per iuratum illius 206
Gratia papalis super beneficio probari non potest nisi per litteras qualitates tamen
seu circa ... emisse gratie ... per testes probari 218
Sufficientia maior seu ydoneitas ... quibus ... probari potest per testes 221
Commissio pape viva voce facta probari potest per testes 288
Sententia diffinitiva probari potest per testes 260
Super articulis impertinentibus ex defectu materie testes etiam assumpti non
recipiuntur qui tamen quandoque etiam in alia instantia poterunt reformari
Notorietas rei ... probatur per duos testes de credulitate maioris
partis populi ... a ... deponentes
Fama procedit ex suspicione et ... auctore veri
Licet gratia ... non possit probari nisi per litteras bullatas tamen eius
qualitates et accidentia possunt per testes probari 218
Certa scientia pape per testes potest probari ... motus proprius non 218
... ordinarii vel delegati absque testium et notarii subscriptione
in preiudicium alterius non creditur 283
Vaga ... per impetrantem est probanda non potest ... gratie sue 222
Tempus probationis indultum pendente compromisso non currit
Possessorio litigantes de curia ... arrestari potest ... respo
dere ... super petitorio per ... possessorio
non preiudicatur ... facta protestatione 284

[Margin, red:] [illegible] ... p testes

Testes assistunt super articulis etiam impertinentibus in forma dicto modo peram in materia recipi possunt

Principum mandata per scripturam tamen inferiorum vero per testes probatur
probatores in una instantia facte, propterea fide sunt inter easdem
personas non tamen diversas licet super eadem re et tamen possit tamen pro
suo interesse ante fine litis veniat aut a sententia appellet

Litera confirmatoria episcopi narrans præsentationem precium processisse probat contra
titulum nisi predicto expresse continetur

Degeneratia per iuramentum probatur 2 2 1

Actionis per testium non probatur nisi probetur solutio non facta

Actor clare probare debet intentionem suam et quod ut actor non per famam
aut publicam vocem 2 0 1

Actore non probante pro reus sententiatis licet etiam nullam petitionem
dederit ab eiusdem impetratione absolvi 2 9 1

Utrum delegato potest probari per testes 2 3 9 ad finem

Si testes iurati ad die feriata et deponunt die festum non recepto 1 7 9

Si recepto vel publicato testium facta parte non vocata non ~~et~~
valet et ideo coram delegato remissione in partibus citanda est
pars ad videndum iurare testes 2 6 1

Pars non vocetur ad videndum deferri ~~citationem~~ remissionem ad pt
ut supra de eo deleti

Testis infra terminum iuratus potest post terminum examinari 2 2 8

Iudex causæ principalis potest esse testis in causa appellationis de actu
per eum facto licet non scripto 2 2 2

Valet receptio testium super articulis non expresse admissis in eadem attemptatore
etc. 2 2 8

Si postea per quod aliqua parte litis ~~duxerit~~ sunt renovata non tamen potest
esse testis in ea et hoc propter præsumpta calumniam 2 2 9

Testis affuturus intelligitur qui sub urbia simul est recessurus et in brevi
non reversurus dummodo iuret quod in fraude non recedet

Absens intelligitur qui est extra suburbia loci ubi degit tunc et ideo
in eius absentia citatione per eundem possunt emissa recipi possunt testes

Sollicitator in eadem per principale salariatus non potest esse testis familiaris
tamen principalis tamen sollicitantis potest esse testis 2 2 3

Non obstante publicatione attestationum non recte facta quia non alii testes
super eisdem articulis produci possunt 2 2 0 et 2 7 2

Extra simul in tota causa non datur nisi una remissio pro testibus
producendis 2 3 1

In causis devolutis super articulis probandis per testes datur remissio ad
partes 2 2 1

delegat 179
testes
testi

Ad senes octoginta annorum et alios infirmos mittitur pro testimonio dicendo 160

Attestationes invalide possunt consensu partium validari dummodo non sit defectus iurisdictionis 81 et 82

Testis ex intervallo unius diei non addit nec mutat potest dictum 226

Testes affuturi possunt per auditorem cause arrestari donec super articulis deliberaverint an pertinentes existant etc. 227

Procurator advocatus similiter tam agentes et ei adherentes non possunt esse testes 229

Testes affuturi cum brevi vel morituri super articulis etiam impertinentibus admittuntur ne probationis copia depereat

Publicatio attestationum in possessorio non obest neque impedit quominus super eisdem capitulis vel directe contrariis in petitorio alii testes produci possint 220

Iudex gravaminis angustiam temporis remittat potest testes affuturos recipere et eorum arrestare

Nota

Receptio iurati testis in loco cum absentia partis assignato ad quem pars non est vocata non valet

Remissio ad partes

Remissio facta ad partes pro testibus recipiendis quominus in ea dicatur quod infra duos menses a receptione litterarum huiusmodi testes recipiantur et examinentur sufficit quod infra dictos dies duos menses recipiantur examinari autem possunt post eos 228

Remissio

Item remissione predicta facta / cursus dictorum duorum mensium impeditur per compromissum partium ita quod iudex potest post lapsum huiusmodi temporis testes recipere 226

Remissio non datur ad partes pro consistorio probando / nisi signa sigella producta et notarius negaverint 230

Testis si in presentia partis iurat / et deinde deponit valet quominus non fuit citatus 228

Per testes probari potest omnia diffinitiva 200

De fide instrumentorum

Instrumenta autentica vendendum extracta ab illo notario qui ea confecit eandem faciunt sine vocatione partis nunc vocatio esset necessaria quando instrumenta huiusmodi exemplarentur 261

litere episcopi

Litteris autentis duntaxat munitis sigillo episcopi creditur super extraiudicialibus spectantibus ad eius officium quominus aliis de sigillis prelatorum non statur pro collatione beneficiaria in preiudicium appellationis pro prisionis aut pro facto ipso unius episcopi 233 et 183

Quamvis non cogitur quis edere propria instrumenta tamen iudex potest eum ad hoc ex officio compellere 237

Si pars vocata ad videndum confectionem instrumenti producta infra tempus nil opponit ipsa postea non potest opponere quamvis approbare videtur ea si ea citatur inquitur per se faciunt que etiam contra se recipere tenentur 236

Verba narrata in instrumentis nichil probant contra eum ad cuius instantiam ipsa non sunt confecta dummodo producens protestetur eis uti in quantum faciunt pro se et non contra Sed probant contra eum ad cuius instantiam sunt composita quia unam partem pro se recipere et partem contra se repudiare non potest
Instrumenta per notarios auctoritate pape vel imperatoris creatos confecta in qualibet mundi parte fidem faciunt Sed ea que per notarios auctoritate Regum vel civitatum creatos confecta extra eorum territorium iurisdictionem nullam fidem faciunt quibus tamen ubilibet creditur si sunt infra eorum territorium stipulata 331

De presumptionibus

Violenta presumptio et vehemens probatur nisi per alia exterminetur et in dubio presumitur id quod magis nature rei congruit
Ubi extrema sunt bona medium quoque bonum presumitur
Presumitur tempore mortis defunctum possedisse qui id in vita possedit 217
Presumitur quilibet diligens in acceptando defunctum nisi probetur negligens 216

De iure iurando

Iurans statuta vel contractus observare nichilominus contra ea impetrare potest dummodo ad hoc sit causa non obstante statuto et iurato apponi consueta 363
Spoliatus in odium violenti vel dolosi probata violentia res amissas per iuramentum probet absque partis vocatione que tamen citabitur in delatione iuramenti in litem vel decisorio 169

De exceptionibus

Declinatorie exceptiones post terminum ad hoc datum contra commissionem non admittantur nisi opponens iuret quod de novo ad eius notitiam pervenerunt
Licet dimmitatio probet exceptionis exceptionem in vim dilatorie non tamen in vim peremptorie positam 199
In materia obiectiva requiritur exacta specificatio nominis loci anni mensis et aliarum circumstantiarum de quibus in l. libellorum ff. de accu. dies vero et hora non sunt necessaria nisi esset de ipsa materie in actis deducte 198
Peremptoria exceptio non infirmat rescripta nec litis quod impedit 181 et 172
In exceptionibus reus est actor in quantum vim dare intendit contra intentionem originalis actoris licet hoc non exprimatur quia in forma rei sunt exceptionis dummodo ex eis apta pareat interrogatio ponentis Et ideo citanda est et audienda post opponens contra absolutionem ad cautelam 293

exceptionis excepcio

De praescriptionibus

Praescriptio decemnalis procedit in his que non sunt contra ius com. 22 q. 20 in medio

Licet tamen praescriptio xl annorum non tollit nisi per aliam consimilem praescriptionem 22

Non minori praescriptione xl annorum potest quis unius ecclesie tollere vel similiter

et ideo ad statum beneficii secularem per assistentiam unius com. sufficit

praescriptio decem annorum 2 8 2

Allegans se a tanto tempore de cuius contrario memoria non existit exemptum

a iurisdictione ordinarii non auditur nisi probet se alteri subiectum 2 01

procedit aliis quod licet praescripsit plus non addiciatur tempus bona

fides sine titulus que contra ipsam praescriptionem includit secundum quod iudicari

possit per positiones et alia ad vincula specificantia

Capitulum non potest praescribere ea que de iure com. ad illud non spectant sede

vacante quo tempore contra capitulum non currit praescriptio huiusmodi inferiores

possunt praescribere que illo tempore ad capitulum pertinent cum tunc praescriptio

curreret contra ipsum capitulum non mortuum neque licet impeditum 232

Tantum praescriptum quantum possessum et ideo si capitulum in aliena dioc.

praescripserit collationem beneficii intelligitur praescripsisse destitutionem vel permutationem

Que sunt meri imperii de iure com. licet praescribuntur

praescriptio vel consuetudo in causis prohibitis contra ius procedit per spatium decem

annorum inter privates in ecclesiasticis vero contra ius commune non minor

xl annorum et ideo consuetudo de optando ubi distincte prebende est esse xl annorum circa [illegible] sufficiat ubi actuales

non sunt distincte prebendarum

praescriptio est consummatio possessionis temporis lege diffiniti ff. de usucap.

et in vi praescriptio se habet ad consuetudinem sicut dispositiones ad dispositi

tunc cum repetitus que consuetudinem dicimus est consummatio temporis

lege diffiniti quam praescriptionem vocari disponit in spe. ti. de praescrip.

§ sed que est dicta

Capitulum potest praescribere ea que sunt meri imperii et sic prelatorum extendendi intrarerandi 20 ol

per unum actum acquiritur praescriptio ibidem ad finem

De sententia et re iudicata

Revocatio attemptatorum post pronunciationem appellationis a diffinitiva

sententia absolutio ab instantia iudicium quod non diffinitive causam in quibus

non opportet finare capitulum contra de appell. li. vi. nec tale appellanti

2 ti et quo liquido quedam tenet non interloc. quia non diffiniunt principale negotium

Condempnatio expensarum si de uno contextu cum sententia principalis negotii

vel saltem eadem die. Cuius post interloc. que tunc sunt cum rem

indicta possit etiam si condempnatio expensarum a qua non potest appellari

16

qui vinn obtinet executionem et thaw ad tempus sententie 6 X et 269

Ordinarius qui est executor tamen ipse parte vocata tam non cognitionem summarie absque lite quod inquirendo committet possessore theziri exequi sententiam iudicasse

Iudex tamen de diligentia appellantis per iudicem sententiam super defectum appellationis latam per appellationem suspensa revocare et de causa cognoscere

Sententia differentia in possessionis patere non dicitur nisi premissa citatione cum expressione peremptorie servus in bursalibus 161

Executionis sententiarum rubrica seu materia tractatur a decisione 211

Expensarum taxationis et condempnationis rubrica et materia 28

Iudex a parte absens etiam absque summaria fieri potest quamvis tunc sit parte vocata 208

Super attemptatis sententia que transiit in rem iudicatam lata a iudice executionem demandanda quam super principali procedit 211

Reus etiam si nullum ius habet in tali bursalibus venit absolvendus si non constat de iure actoris 211

Victus non violentus in fructibus perceptis post lite mota et condempnatus ad eorum satisfactionem infra certum terminum compellitur per executionem nisi probet illos non recepisse aut in utilitate ecclesie tunc erant gutisse

Victor obtinet expensas sententie etiam nulla prestita cautione quamvis tamen pendet lis restitutionis ad appellandum qua tamen cautionem prestabit si suspectus fuerit aliquis possessio rei deinde sibi assignetur

Valet executio sententie ad usus qua pendet lis super restitutionem ad appellandum

Ad auditores qui pronunciant bursalem alium debitum etiam possessore in fructibus post lite mota perceptis quamvis non petitus condempnare

Executio sententie fit post X dies a tempore lationis eius quando sententia transivit in rem transisse nisi infra quos attemptata bursalis in instantie revocabitur de termino appellationis dicto

Absolutoria sed non admonitoria pro reo exhibitato vel gratare fieri potest 297

Si abbas et conventus sunt litigantes aut simul vel divisim possunt procedere in causa et tamen sententia contra alium eorum lata

Exceptio nullitatis impedit executionem sententie quod transiit in re iudicata si in continenti probatur coram iudice coram executore qui illa sententiam tulit tamen quando est commissa quam tamen si pronunciabit sententiam quando nulla reus etiam executionem revocabit 282 facit etiam 293

inhibendo

Statuitur sententia que transit in rem iudicatam narrans processum et partes adverse partis vel summaria nisi ab eo que eius est sceleranda executio illius probata nullitate sed si resulta ex ea presumpta contra et contra eam de nullitate obiciatur validitate eius probabit qui executorem petit 283

In sententia presumitur quod processus nisi dicitur contra ea quod fuit absens in sede de sententia secundum ut audientie X et ideo si quando querat sed setit quod an dicitur tenor de re iudicata super quod in si

Execucio tamen sententie suspenditur donec appellato ab ipsa vel a gra
vamine diffinatur vel terminus elabatur nullo opposito poterit decisio 2 80
Si ex actis pt notorie constare de nullitate sententie vel processus tunc iudex
vocat parte absque obseruacione alicuius ordinis iudiciarij renotabit sententiam
Si vero resultet probabile dubium aut extra acta allegetur nullitas tunc ordo
iudiciarius si principaliter agatur seruabitur qui similiter non seruaretur si incidenter
ad execucionem impediendam proponatur
Sententia lata super nullitate sententie est diffinitiva ∧ 9
Ordinarius qui sententiam que est nulla racione forme tulit potest reuocare pro[cessum]
alia facere Si vero est nulla racione processus incipiet de nouo et cog
noscet Si vero est delegatus vel auditor functus est officio suo | ∧ 9
Si gracie executor tandem diu exequetur donec mandatum suum adimpleatur
vbi effectus iste in tempus longius cum dispendio differri contingat
de off. dele. si super [illegible] li vi. et c. qui tunc ff de arbitris in prin. [illegible]
si no[n] [illegible] et [illegible] in c. Capitulum de rescr. B. [illegible] queriter [illegible]
c. tu tua de cler. [illegible] et c. Significasti de off. dele.
Omnibus iudex etiam delegatus potest processum erratum et quod male factum est
renotare et eum reiterare ante sententie prolacionem
Auditor pt sententiam super matrimonio vel beneficio per se etiam latam nullam
vel iniquam si iniquitas vel nullitas notorie ex eisdem actis dep
rehendatur renouare et alia de nouo facere secundum [illegible] in c. tua
Bertoldus de re iud. c. j / quia huiusmodi sententie non transeunt in rem iudicatam de
rescr. in c. constitutus super [illegible] [illegible] de off. ord. non c. ad
peticionem de accusa. ∧ 9
Executor rei iudicate cogendus non teneatur citare partem victam ad exe
cucionem sententie faciendam tamen de vrbanitate citat ea ad taxam fructuum
et expensarum ad [illegible] eius potestate
Expressus consensus partium requiritur vt sententia deleti [illegible] loco decreta
lata teneat
Victor in possessione rei iudicate intrare non debet sine execucione quod
si fecerit non incidit in [illegible] nisi violentia interuenirit
Sententia contra [illegible] citatum lata non mandabitur executioni contra possessore[m] [illegible]
etiam tempore [illegible] agi, [illegible] omnibus quorum interesset fuerint in genere citati re[s] ad
[illegible] ad finem
Princeps sententiam que nulla est aliquam esse facere potest
Sententia super decisione appellationis a diffinitiua vel peremptoria excepcione [illegible]
[illegible] diffinitiue sententie quia in nichil restat ad agendum sed cognitu
executori de mandando sententie decisioni vero appellationis a grauamine
est nulla, quia quo ad iudicare [illegible] transit in rem iudicatam 80 c.
[illegible] iure nulla est sententia contra non [illegible] citatum lata
Pendentia litis super restitucione ad appellandum impedit execucionem sententie
contra quam non restituitur nisi doceat de suo interesse et sua lesione
et impedimento iusto
Sententia lata pro tercio qui non est de litigantibus non valet

Sentencia lata pt pcezzi super attestorijs 287 coi

Sentencia super attemptatis lata de an̄ sentencia executor mādari 286

Sentencia diffinitiva pbari pt per testes 200

Reus inter alios acta preiudicat scientibus tamen sua inter alios agi 201 et 202

Spoliatus pro se conqueri que tenuit in rem iudicatam pt intrare ipse in possessionem sine violencia et dum ea vacua repit 209

De appellationibus

Attemptata appellacione pendente diffinitiua per cuius decisionem non renotatur quia tunc non fuisse appellatum extimatur de qua decisione pt preiudicii sine ex eisdem actis sine aliunde proveniente prius est cognoscendum 1 2

Si grauamine aut articula ita tamen expressa et ab omnibus alijs conclusa in quibus que ex actis cause colligi possunt appellans ipse iustificat appellacionem suam dumtaxat ex oblata probacione non admissa cause expresse grauaminis aut illius probacionem iam facta vel facienda vñ si in processu esset mille grauamina ex quo non sunt specificata appellatio per ea non iustificaretur sed remittetur appellans ad priorem iudicem nisi causa appellacionis et negocium principale esset commissa 3 et 262 iuncto § imposita de app. ipse reuendicat sibi locum quo ad iustificandum app. agitur vel articula imposita si non cassabitur sentencia diffinitiva nisi probatur veritate repulsa de teste ex parte d ij ad hac pbet et de re iudi c. 1 et in ij de non videtur et i po in in ij predicta

Auditor cui causa app. et negocium principale est commissa per iudici a quo in partibus est appellatum statim inhibebit et partem citare et si pronunciauerit male appellatum nichilominus negocium principale sibi remanebit 7 et 268

Auditor literarum pallacii in causis appellacionis ab iudicibus tamen vel alijs iudicialibus curie vel ab ordinarijs interpositarum statim citata parte ad dictam causam commissionem inhibet et ingressum causas remittit 7

In causa app. a grauamine interposita ab vno iudice alteri iudici commissa non statim inhibetur nisi pars fuerit tantum tenus ad dictam causam et appellacionem ad impugnandum et iustificandum et videndum inhiberi et si contingit pronunciari bene processum et male appellatum remittitur causa ad iudicem a quo eandem obseruatur quando a cardinali in curia appellatur a grauamine et cogetur iudicem prius de articulo grauaminis cognoscere aliqua commissione contraria sibi facta non obstante quando idem iudicem commissionem quod tunc sit remissio causa procedat 268

Seruabit iudicem appellacionis ad finem a diffinitiva per iudicem tamen vel extra Rotam lata sed tunc in publica iuxta stilum palacij tamen obseruandum alias executoria per contentam super ea non expediretur

Tempus xxx dierum pro apostolis petendis currit a die appellacionis interposite 63

Cum causa appellacionis et principalis fuit eadem tunc pro dicta instan 56

Appellatus post tempora constitutionis de elec. li. vi. et an desertione appellationis
[illegible] veniens per appellationem sibi intimata procedendo per audientiam
in contumaciam appellantis in causa beneficiali prosequi debet de appella-
tione constet 18 et 28

Tradens acta pro appellante deserit appellationem et ideo non reassumit de
voluntate partium nisi superior ad eum causam remittat 6 0

Appellans non potest redire ad iudicem a quo quem detulit appellationem 6

Appellare potest quis contumax fuit ad citationem per edictum 1 et 11

Appellatus quamvis non appellet, potest tamen prosequi coram iudice appellationis
[illegible] in prima instantia ut supplicatur et sine additione 8 et 9

Appellans non tenetur iudicem sub domum et locum suum ingredi pro ~~appellatione~~
insinuanda appellationem et apostolos petitionem 10

Appellatio vocalis voce et sine scriptis ab electione postulatione et inposita
ad papam ut possit aliquis devolvere negotium ad curiam 12

Appellatio quod sit intimanda ad hoc ut devolvat 13 et 16

Appellatus potest prosequi [illegible] veniens in curia appellationem adversarium etiam
quamvis non sit sibi intimata 18

Appellati diligentia prodest appellanti 17

Si appellans non ostendit diligentiam suam de prosequendo appellationem iudex appellationis
pronunciet eam desertam quia pronunciatione reddetur [illegible] sibi de [illegible] sen-
tentia consistet 18 et 19

Sufficit extra curiam Romanam appellanti nisi tamen ad prosequendum appellationem sibi statutum
iter arripere 20 et 171

Si constat appellationem desertam iudex appellationis potest sententiam confirmare 21

Quamvis appellatus a diffinitiva sententia appellationem [illegible] et negotium principale
et etiam causam attemptatorum possit simul prosequi tamen prius potest petere atte-
mptata revocari quo tempore non currunt sibi fatalia nisi contingeret eum
in attemptatis succumbere, quia tunc sibimet [illegible] impedimentum 22

[illegible] oblate de app. Non [illegible] locum in curia Romana [illegible] statim appellatus
potest impetrare iudicem, quia in ipsa curia iudex datur ex officio
[illegible] impetrans [illegible] quem velit nisi convincatur in audientia, et
ut citius litibus finis imponatur 23

Appellatione ex iudicis [illegible] intimata deserta [illegible] negotium principale
remanet in curia Romana ad cuius prosecutionem opus est nova citatione 21

Intimare appellationem [illegible] potest per quemcumque etiam non habentem speciale
mandatum [illegible] sed [illegible] de antecedenti appellationem 28

Pendente termino ad deducendum appellationem valet processus quamvis doctores teneant
oppositum 61

Processus post appellationem [illegible] et [illegible] post inhibitionem et [illegible] etiam
[illegible] appellationem deserere

In causa beneficiali appellatus post tempora constitutionis [illegible] illa causa veniens in contumaciam
etiam appellantis procedere potest 18 et 28

In [illegible] [illegible] [illegible] auditor pronunciavit ~~[illegible]~~ appellatum et remisit
causam, quamvis ab huiusmodi pronunciatione fuit appellatum [illegible] a quo statim

potius in principali procedere debet sunt de novo inhibitio quia prima
inhibitio iam erat extincta 26
Devolvitur causa principalis per superius si ob aliquam litteram exceptionem non ad
missam sunt ad sedem apostolicam appellatio huiusmodi appellatoris [illegible] unde
secuta 21
Iudex appellationis si de causa excipiat descriptionem sine alia nova commissione cognoscere
quia iudex cognoscere an sua sit iurisdictio

prediff

Terminus appellanti ad se presentandum sedi apostolice statutus per litteras exigit
personalem presentationem in valvis palam nec movere dicte littere
Sed in littera stringit appellate personaliter ut in sum commissionem signandam
preter vicecancellario si potest alioquin de hoc protestetur et habeat dili
gentie instrumentum 171 Et in dicto instrumento debet continere forma petite
commissionis huiusmodi ea primo modo subsecuta sit et mutata sedo vocat prima
et causa sunt mihi descripta
Intimatio appellationis intelligitur litteram appellationis vel eius prima facta plecto sibi illas
tenore antelecto et eius simplici copia sibi data aut antelecta si ea
petivit sufficit tamen sine littera antecedente appellationis appellatio dat instrumentum
alias appellatio non devolvitur
Appellans lite etiam contestata super prius appellationis libello potest petere revocationem attemptatorum
sicut celsio spoliatus restitutionem 28
Deserens appellationem per nova commissione de prius appellatione descriptione cognoscitur

appellatio

quod appellatio diffinitiva perficit tamen x dies ad prosequendum appellationem quia non
presentata deseritur ipsa appellatio
Non sufficit appellanti probare per confessionem appellati appellationem interpositam fuisse nisi
de illa littere constet 29 Contrarium non communiter in [illegible] solet
de sententia extravagantis li vi super contradictione
Si sententia ob cuius executionem [illegible] sunt lata revocetur aut nulla pronunciet

expedita

etiam vitiatur
Appellatus non perficit nec abiurat tamen appellati ad prosequendum appellationem licet eo possit
approbare 30
Appellatus approbando appellationem adeo devolvit appellationem quod sine nova citatione potest
procedi etiam in negotio principali 31
Sententia sententiam fore iniustam appellatus probare tenetur
Valet appellatio alternata quibus infra x dies non eligat quia appellans coram uno
appellatorum huiusmodi prosequendo illum eligere videtur 26
Adhesio non protegit nisi constet infra x dies ea factam fuisse infra quos
etiam ~~libebat~~ licebat appellare ~~248~~ 297

Adhesio appellationis
ultimum potest non
prima revocate

Si appellanti resistat ius roc non prius revocetur attemptata probet veri
tatem cause sue appellationis 28
Appellanti non dominum sufficit probare se appellasse sed etiam quod infra tempus
appellavit 41
Declaratio appellationis in possessorio extinguit iurisdictionem super proprietate suspensa
parte appellata futura remittatur 247

Diligentia appellati prodest appellanti 8 8

Valet appellatio facta in absentia iudicis vel partis de appellatione suggeste
que ante notificationem iudici et parti factam non irritat facta ipsius post
iam attemptata

Tempus prosequende appellationis non currit appellanti propter commissionem de qua non
consensu factam 2 2 6

Post appellationem a iniuncto aliquid innovatum eidem appellatori remittat

A fungente duplici auctoritate et ordinaria et iudicis auctoritate ferente [illegible] appellatur
ad eundem respectu [illegible] sue maioris autoritatis

Assumitur appellatio infra x dies a notitia appellantis imposita

In [illegible] a futuris gravaminibus appellatur

Extra iudicialis appellatio non impedit executionem iuris [illegible] que executio
nunquam revocatur per modum attemptati nisi prius probata eius appellationis
veritate 7 8

Causa in Curia semel devoluta ibi semper remanet tractanda et [illegible]
ex contra que appellatur ab executione processum licet ille appellationem non
detulerit et continuationem suorum [illegible] nichilominus illam prosequi potest 8 0

Camerarius vel eius iudex non potest se intromittere de causa extra Ro[mane]
Curie ad eam per appellationem devoluta 7 1

Si in partibus ab executione [illegible] rei iudicate causis rationabilibus
expressis appellatur tunc iudex in Curia sibi non inhibeat nisi prius sibi de
illorum veritate constiterit 2 8 1

Appellatus potest se iuvare ex appellatione appellantis 8 2

Iudex a quo post delationem appellationis potest appellanti terminum ad prosequendum
appellationem statuere et postea potest nichilominus de desertione cognoscere
et prosequi 7 1

In delatione appellationis vel apostolorum assignatione non requiritur potest appellato
vocatio tunc potest actus extraiudiciales 1 8

De more est quod prorogatur terminus x dierum ad prosequendum appellationem
in Curia 7 1

Pendente termino ad dandum apostolos super appellatione a diffinitiva
iudex impetrari non potest quam apostoli per parte appellatoris 7 9

Appellatione imposita ad papam tres effectus operatur 7 1 [illegible] causa
appellationis et negotium principalis devolvitur secundum pars appellata ad
Curiam citatur tercium appellatus potest prosequi eius nullitatem adeo multum
expedit appellationem facere [illegible] appellationem desertam 8 9

Si iudex non defert appellationi re integra de voluntate partium
reassumat iurisdictionem secus si deferat sunt si appellationi
et superiori [illegible] tunc esse ad eum sic etiam negotium principale
devolutum nisi per superiorem ad primum iudicem delecto causa remittatur
partes tunc ad iudicium ordinarium redire possit

Sumptus estimari qui [illegible] vel apprehensus [illegible]

Infra x dies auditur appellans infra quos petere restitutionem non
auditur [illegible] remoto impedimento ad appellandum quis restituitur aut ex
iusta causa per [illegible] admittitur 1 et 2 et 10 et 122

Appellatione desta pars appellata non potest facere committi quod appellator tangam et procedere in negotio principali e l

Appellans in causa beneficiali potest in contumaciam alterius partis etiam post ipsa statuimus de elec. li. vj e 8

Auditor post hoc quod deferendo alteri coauditori causam ipsius commissa illi remittat non abdicat a se iurisdictionem c 2

Auditores palacij censentur quasi ordinarij c 2 vide etiam [illegible] in fine

Appellationi deferendo, potest iudex post quod declaratum terminum ad prosequendum prefigere c 8

Attemptata post appellationem extraiudicialem aut ante sententiam regulariter non revocantur per modum attemptati nisi inveniunt appellatoris c l

Attemptata per iudicem a quo est appellatum post inhibitionem iudicis appellationis sunt nulla c 6 Attemptatores puniantur c l

Manifestus contumax quia iussus comprehensus aut quia scivit et ire noluit aut quia per frivolam appellationem a iudice recessit a die sententie infra x dies a die late sententie et non sic appellatum

Attempta infra x dies a tempore late sententie dicto de licita appellatione beneficio iustitie revocabuntur et non per modum attemptati

Attempta infra x dies a tempore sententie postquam factus contumax appellavit a sententia contra eum lata similiter non revocabuntur sub appellatione dicto

Iudex appellationis potest addere vel minuere sententie quantum per leges ardet in favorem etiam appellatis cum melius probaverit

In presentia iudicis si publice hoc potest appellari sed alia in eius absentia licita protestatione super hoc facta et appellatum

Terminus desert appellatorum imponere a diffinitiva apostoli per appellantem petiti debent quos iudex quo dat revenientes et acta causae per apostolis

Apostoli delegato episcopi vel eius generalis vicarij ad ipsum episcopum vel vicarium et potest appellari Hic est per a vicario generali super collationem beneficij vel alio actu speciali sibi ab episcopo commisso potest ad episcopum rursum appellari Item non in hoc sed in generali commissione episcopi et vicarij unum censetur esse consistorium 8 8

Per appellationem non impeditur conformatio hoc non est [illegible]

Vim io vj quod in c dilecta de ma constituta de app. c in glo x [illegible] et in c j de his que fiunt a ma et in c dilecta de ma et de

In causa beneficiali appellans et non prosequens appellationem suam apostolo causa prosequente si in quod apostolus causa appellatoris sententiabat non auditur iterum appellans secus tamen si fecit apostolus restitutionem tamen ad appellandum si licitum prebet impedimentum

Appellatione secundum formam debitam ad papam etiam in porta non devolvit negotium causa ad sedem apostolicam nisi iudex a quo illi detulerit

Tenet appellatione ad papam si appelletur a duobus delegatis quibus tercius vices suas commisit donec eas duxerit revocandas

auditores palatii

Episcopus attemptate

Processus iudicis qui reposuit appellatõ ad melius deliberandi tenet si prosequitur nõ revocato gravamine nisi de novo appelletur si appellans tamen statuto vel provogato aut anticipato sibi nõ comparebat nõ tñ appellatõ pñe renunciet dummodo in primo tõ debito vel apostolos peciert quos si nõ petiisset et iudex nõ dedisset appellõ foret deserta et iuris dictionem retinebit modo

Appellatõ interponende per partem renunciatur sed sine pacto nõ 222

Inhibito de equitate sed pro ex eo solo quod cã sunt in curia per papam commissa cum potestate citandi ad partes et decreta e citato contumacis non debent exequenda c 6 d pg medium probri°

Generalis appellatõ extra iudicium valet

Valet processus primi iudicis post inhibitionem sedis audientiam tñ cã appellationis manifeste frustratorie fuit commissa sedes

Ubi appellatõ devolvitur causam ad rõ curie appellatus procedit pt per audientiam contra appellante absentem secus si post annum procedat petens appellatos prosequi desertam quia tunc appellans citari de de partibus vel alias tamen fieri

Qui tacite vel expresse renunciat appellatõ interpositam etiam ad curiam devolventi nõ tenetur ad ipsam curiam venire vel mittere

Precedentium sententiarum executionem appellatõ suspendit nõ tñ execution

Appellatus utitur commissionem nomine appellantis etiam sine mandato in curia impetrata c 13

Appellans nõ petens appellatõ renunciasse intelligitur et cosas requisitis dare non curans iurisdictionem amittit 3 9 1

Inhibito nõ habente sedem nõ annullat sedem pg ipsam 287 c 0 3

Impetrans commissionem super desertionem appellationis ad curiam interposite non procedit per audientiam sed necessaria e citatio partis ad dicendum contra huiusmodi commissionem c 1°

Appellatõ in causa beneficiali intra fortem c 1 de elec li vi citat dicitur quorum interest cos tñ nõ artat ad veniendum c 0 2 vlt medium

Si a sententia diffinitiva appellatur ad curiam et non super dicta pn appellatione sed super desertionem eiusdem commissio impetretur in curia procedi non poterit per audientiam sed necesse est partem appellante ad hoc citari c 0 1

Appellatõ nõ habet vim attemptationis beneficium tunc occasionem appellatum c 5 c ad medium et sequenti

Appellationis intimatio sit favore appellati et ideo appellatus si sit appellationem sententiam pt eam prosequi etiam tamen nõ sit eidem per appellante intimata et procedere secundum formam c statuimus de elec li vi c 6 1

De confirmatione

Clausula in confirmatione apponi consueta dummodo ex ordine beneficium debeat intelligitur de ordine date et etiam acceptationis 27 c 7 1

Confirmatio papalis ex certa sententia facta firmat invalidum tum addit pt supplendum de plenitudine potestatis si quibus defectus & de elec lib 6 c 9 c

De clericis coniugatis

Iudex ecclesiasticus cognoscit si clericus coniugatus per laicum detentus fuit contraxit cum vidua et virgine et habitum detulerit clericalem, punitus ad eum remittatur 122

Uxor clerici coniugati pro constitutione privilegio procedentis marito detento 123

De prebendis

Beneficium certum ordinem ex statuto vel consuetudine requirens pro conferri illi qui tempore collacionis reperitur ydoneus etate, licet ius non sit in illo ordine ante litterarum applicacionem cum clausula generali non obstante 299

Non valet acceptatio ante presentationem gratie facta si per impetrantem stat quominus ipsa gratia presentata fuit. Secus si per executorem vel alium stat tunc bene valet 317 et 318. Et ibidem dicitur quod absolute valet quod acceptatio demum postea presentetur licet non valeat processus executoris facta ante presentationem et 13. Collatio ordinarii facta de illa

Reputatur ante superioris ad porrecta beneficia recipiens ignorat beneficium reservatum ante ordinaria ff. c. eum qui de prebendis li. vi

Gratia si nemini non exigit apud eorum obiectorem exactam specificationem quam per que ipsi apud sunt implementum gratie quod gratie conditionalis 192 et 219

Impetrans exprimens certum modum vacacionis ex certa persona et tunc certa seu alio quomodocumque comprehendit eum alium modum ex dicta persona expressa provenientem. Et ideo caute ponatur sive certo ex alterius cuiuscumque persona 307. Et impetrari potest beneficium certo modo vacaturum per contrahendum matrimonium 319

Cancellaria expedit litteras in vacationem cum clausula dudum non sit alium specialem cuius contra nisi in reservatam generalem et ideo caute ponatur in litteris eiusdem specie aut modum generaliter reservatum, qui non venit nisi in specie expressus. Capitulo recipiens in titulum renunciacionem beneficii ad eum ante ordinaria spectat, non potest ideo cadere ante conferre et 11

Valet acceptatio secunda prima non valente facta cum protestacione ff. inquirendum si debeatur de iure, alias non. Et oportet quod acceptantem in iudicio fidem facere quod beneficium primo acceptatum sibi non debeatur quod variis fit modis ut quia beneficium non cadebat in gratiam vel quod per eo acceptaverit, ad que vitanda quidam expectantes

Contra que acceptantem adversarius potest probare collusionem sive aut compositionem vel arbitrium aut beneficium sibi debitum de iure cum in multis li. vi in gl. si in nota ubi plene de hoc vide

Impetranti beneficium ut vacans per assercionem alterius sufficit probare illud possessorem habere litem de facto aut violentum 30

Sufficit impetranti beneficium tamquam pluribus modis vacans altero ex modis expressis probare. Sed uno modo probato, non reddibit ad alium eidem modo contrarium 213

Cuiusque impetrans de beneficiis per eum obtentis mencionem facere teneatur non tamen de certo contentione inserta utputa de iure patronatus de valore vi

Impetrans gratiam si nevit etc tenetur facere mentionem de qualitate beneficii
et de modo vacandi etc 3 2 8
Cantus expectans prebendam an sit recessus beneficiatus 2 2 8
Canonie nomine continetur beneficium ecclesiasticum 2 2 8
Prebenda vel dicta 2 2 8 ita principium alicuius 2 3
Habens potestatem conferendi beneficia reservata potest non solum specialiter sed
etiam generaliter reservata conferre excepto vacantibus in curia Romana 2 7 3
Prefectus potestas primo literas suas executori omnibus scribendis in dare
continet certis tatione presbiteris 3 2 2 Idem si primus privat fieri
processum 2 7 3
Specialis gratia statim afficit statim afficit prebenda de proxime vacaturam
qui in li vi 1
Generalis vero non ante presentationem de qua presbiteri tunc ei que in clericum
in posse 3 2 2
Motus proprius pape tollit qualitates extrinsecus sed non intrinsecus
respecta curam non principale beneficium 3 2 7 Et quemadmodum
tollit surreptionem in obtentis ita in obtinendis sed non amplificat
gratiam neque dispensat
Ius patronatus beneficium etiam per papam non conferatur nisi expresse
dicatur 3 2 6
Qualitates beneficii obtinendi de iure communi impetrans exprimere tenetur
et non obtenti 3 2 6
Reservata beneficia non comprehenduntur sub beneficiorum qualitercumque vacantium
Acceptanti sufficit placere beneficium quam dant von iusti personalis 3 6 2
Sub nomine beneficiorum non veniunt Cantus ecclesie cathedralis nisi
generalis clausula addicatur 3 6 7
Clausula sive quovis alio modo vacare contigerit comprehendit omnem modum
vacationis et ideo impetrans causa pro assecutione vacare contigerit addita
dicta clausula si non per huiusmodi assecutionem sed per alium modum non exceptum
vacavit beneficium quod habebat Et per assecutionem alterius beneficii
incompatibilis non primo ipsum primum vacat donec assequens per se vel
procuratorem suum nancistatur possessionem 2 8 0
De iure communi in Cathedrali ecclesia collatio prebendarum et beneficiorum aliorum
in collegiatas ecclesias tunc et dictis spectat ad episcopum
et collegium In collegiatis ecclesiis collatio prebendarum et receptio
Cantore pertinet ad collegium et confirmatio eius ad dio-
cesanum 3 2 1
Dignitas in ecclesia est que habet administrationem admixtam cum
iurisdictione 3 2 1
Officium personatus est administratio sine iurisdictione 3 2 1

[Margin:] orne
[Margin:] gerendis
[Margin:] Si acceptationes vacaturorum beneficiorum non dicant
[Margin:] 13

Collectorum vel succollectorum beneficia tempore officiorum collectorie vel sub-
collectorie possessa vel acquisita sunt pape reservata donec quod
reservatio per collectionem ipse est semel extincta

Clausula seu quovis alio modo reservari omnem modum vacandi
per causam possessionis status in dictis personis 3 0 1

Huius gratiam in certa ecclesia potest acceptare beneficium situm in cimi-
terio aut in capella illius ecclesie 3 1 8

Clausula non obstantibus quibuscumque statutis et consuetudinibus re-
tollit quod statuta et consuetudines ecclesiarum 3 2 2 in medio

Capellanorum vel aliorum officialium pape quorumcumque sunt reservata (beneficia)
et hoc non bulle ad eos tacite vel expresse pervenerint vel vacatum
habuerint ff. de acqui. pos. l. qui absenti in pri. et c. 1. de
concess. prebende li. vi in fi. cum simil.

Acceptatio et opinio gratiosi est valet cum sunt facte provisio vel collatio ci-
tata non quia illa non existat 3 1 6 et sequenti

Venit omnibus modus vacationis et provisionis qui nullis specialis modo
exprimuntur in litteris 3 1 3

Huius tamen in dicta ecclesia de beneficio inibi vacato potest acceptare
beneficium vacans in cimiteriis ambitu vel capellis ipsius ecclesie
contiguis situatum 3 1 8

c. Statutum de prebendis li. vi est revocatio per extravagantem Execrabilis
que incipit pre solitudinis

Tempus licet acceptationis et presentationis sit prefixum non tamen collationis vel
investiture et ideo acceptatio electus vel presentatus potest tamen in palo
tercium facere quinti et Vindex providebit per bimarium ... ecclesie
secus quia tempus est collationis et promissor prefixum in acceptatione apostolice
omnium beneficiorum spectans ad collationem unius non cadit sub expectatione
de aliquo beneficio reservationem per acceptionem ante 3 1 9, 3 2 2

Huius gratiam ad maiores et minores prebendas potest etiam medias accep-
tare

Si constat de tempore beneficii licet circumstantiis in modo vacationis valeat
acceptatio quia est quedam mentis declaratio vel voluntatis et tendit
ad executionem gratie sed non valet provisio debito vacationis
modo tacens 3 2 0

Nam valet tertia gratia non faciens mentionem de prima non dum
extincta et in secunda eadem prima oblata dissuria non 2a

Si neuter gratiam impetrans tenetur mentionem facere de qualibet beneficio
sed in alia gratia de vacatione alias surrepta

Clausula dummodo non sit alicui specialiter ius in eo quesitum absorbet
ius expectationis et cuius ad rem quesitum sed non aliarum singulare
ius non habere per electionem presentationem vel alia specialem provisionem ius
ad rem quesitum quamvis et sive dicte clausule videatur indifferenter omnibus afferre
ius ad rem 3 2 1

Rp.

Rp.

Ad collacionem epi et capli expectans pt acceptare pbendam eccle
Cathedralis si no est excepta pbenda 322
Mensalia bnficia no vacant
Impetrans bnficiu scdm formam cem de bnficio de pben li vj satis
faciat si probat illud ultimo vacuu fuisse per clericos sclares
per x annos 22 [illegible]
Habenti gram ut sibi de aliquo bnficio in ea eccla provideatur
non potest provideri si ibi sit tm unicu bnficiu 319 322
Acceptacio bnficii no est itez forma vnu tacite si pt et expsse [illegible]
Acceptacio bnficii non vacantis quo valeat et quo no [illegible]
Gra facta per psonam ad confessionem [illegible] est reb informis et ipsa
[illegible] ad medium
Surrogationum materia 226 et [illegible] 22
In reformacione gre sufficit eisdem eiusdem gre prima expssio in qua
priora bnficia continentur 221
Surrogatoria gra requirit debitam expssionem eorum que in eiure [illegible]
utputa in vacatione fieri debebit 221
Si tm per epm auctoritate aplica ex facultate e collatus canonicus sub
expectacione pben post morte eiusdem epi pt acceptare potest pbendam
propriam ccd gra vigore facultatis quod in eo tpre no expirat si [illegible]
Solus papa dispenset in pluralitate bnficiorum in qua
dispensacione est qualitas bnficiorum exprimenda
Valor certi bnficii impetrandi et bnficiorum obtentorum de [illegible] impetrante
scdm comunem extimacionem exprimi [illegible] sit pars gre [illegible] offerat
aliquod obtentorum dimissurum in impetracione 222
Comunitas psona vel pmur [illegible] qualis [illegible] effectum no acceptat bnficium
nisi ratificetur infra tpus debitum per impetrantem
De preben si [illegible] in [illegible] iij d nota 229 in fine
An publicacionem gracie acceptacio infra mensem dum ipa publicacio
fiat infra eundem mensem valet publicio vo non nisi publicacioe
31 [illegible]
Expectans post mensem pben acceptare no pt nisi sciat fuit canonicus
racione cuius debetur pbenda sibi conferenda dumo alteri non
fuit debita 321
Jus qsitum specialiter no bnficio no tollitur nisi spalis mencio de eo
fiat et ideo prima gra ad idem bnficium vacaturum impetrata
no absorbetur per scdam graz ad idem bnficium ut vacans impe
tratam in qua no fit mencio de prima
Offerens se bnficium dimissurum no asserens fuit aliud de [illegible]

pmd dimitte antequa ipm aliud assequat et si decipet in huiusmodi
scdo sentiret ei ex officio iudicis de par tam pben de zet pmu
tum ymmisq / sed qo an in nola in c veniens ad rom in pd
gd no obseruatur ut dicit decisio

Promotus ad aliqua dignitate pt impetrare qd pmd dignitate dato
debeat tam scda dat decisio qr pma no vacat per assertionem
possessionis scde dignitatis vel p nuq assecuton

Prorogatio tituli non parit aliquod pudicium

Dispensatio ad bnfcm curatum obtinendum vno curato dimisso aliud
curatum consequi dec dispen vigore no pd

Clausula retrotractaru pmde trahitur ad hoc ad assequend 3 3 1 2 / 3 2 2

Inductio in possessionem bnficii scda abeo qui huit ptatez ofered(i)
vim hz collon scda etia demonstrat omnis vbalis vel realis actus
per que posset constare de mete oferent ex quo cum collon non exigit
cta vbor forma

Forma gre est attendenda io in forma dignum pus est examinado pse
renda a qua examinatione non est appellandum cu executore ofita
sit onerata oneata et post ea fiat subdelegatio 3 2 6

Canonicus sub expectatione pbende in eccia ubi est certus nus pbendare
no censetur bnficiatus nec quottidianus propter distributiones
et ideo sibi ut personi ydonee pt bnficium conferri nec ipe pt aliud
ius ad pbendam pmutare 3 2 8

Verba gratie extenduntur et obliquantur iuxta formam omnis cons
ut ipe gratie amplitudinem que posset effectum consequatur

Canonicus prebendatus in scda gra tenetur facere mentionem de canonicatu
et pbenda huiusmodi si pbende sint distincte alias sufficit qr mentionem
faciat tm de canonicatu et ibi vide vn dicatur canonia et pbenda 3 3 1

Insinuatio gre in forma pauperum pt per executorem ad hoc datum alii
committi 3 2 8 / 3 2 6

Insinuatio gre no requirit ce/ presentationem et sic pt cum absentia impe
trantis 3 2 9

Insinuatio gre quinque testibus in tetauta qr sic no dcit 2e pt fi a duobus
ter 3 7 0

Executor datus ad providendum pt committere vices suas etiam simpliciter
dicto 3 7 1 Et sic no hz locum in tcd c statutum de rescrip li vi

Executor post insinuatae gratiam si hoc committit et pfica pmde alias scda
per ypm pupso no valet quibus acceptato scda an insinuatio valeat 3 1 2

Gra super provisione facienda expirat re integra moriente grete

Si executor datus super provisione facienda providet de canonicatu et reser 3 6 1
uat pben vacaturam eid de iure debitam / et deinde moriatur
concedens gra huiusmodi no expirat 3 6 2

Opus pt vicario suo committere cum gre si no in spe collonem bnficiorum
siore 3 8 8

No de
eo ppus de
gre

Valet acceptio beneficii vacantis quamvis in acceptatione nullus vacationis modus exprimatur 288

Episcopus non potest committere vicario suo provisionem omnium gratiarum sibi commissarum et committendarum 289

De institutionibus

Institucio auctorizabilis de iure communi pertinet ad episcopum et capitulum

Sed in collegiatis ecclesiis ad ipsum collegium

Institucio superioris tenetur possessio institutio et committitur presentacionem vel electionem precessisse licet presentacio vel electio non probentur

Instituendus si non instituatur recurrat ad superiorem cum tempus institutioni non sit prefixum

Ad quem pertinet institucio eciam et destitucio infra suas metas sue iurisdictionis

Episcopus cuius institucio sit aliena diocesis sive per institucionem destituere nisi ex privilegio vel consuetudine hoc sibi competeret 389

Institucionis eciam episcopi in qua narrat se ad presentacionem priorum aliquem instituisse facit fidem de presentacione 203

Investitura corporalis scilicet inductio in corporalem possessionem prebende aliqua per vim provisionis sine collacionis 208

In quo casu possit beneficium ecclesiasticum sine institucione obtineri 200 in fine

De gressione prebende

Impetrans beneficium uno certo modo vacaturum dumtaxat et illud dicto modo vacante prebende alias non consequitur

Verba in forma laudabili ligant manus ordinarii infra mensem iuxta quam intelligitur dictus in ecclesia cum ei qui de gressione prebende

Sed in forma dignum ante provisionem non ligat

Cuiuis mandatur beneficium certo modo vacaturum conferri cum valet mandatum vel collacio de eodem alio modo postea vacante facta de

Post mandato nulla eciam mencione facta

Valet acceptacio de primo vel secundo beneficio vacaturo iuxta formam et ne tamen tamen de gressione prebende, que cum non valet iuxta formam ecclesie cum ei que de gressione prebende, nisi fiat de certa prebende certa prebende vacante 212

Valet acceptacio de beneficio maioris valoris facta per principem si dominus illam sciens approbet 211

De sede vacante

Sede vacante capitulum potest resignaciones recipere et permutaciones canonizare et consentire 231

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De re ecclesiastice non alienanda

Alienatio rei ecclesiastice auctoritatem prestat ordinarius in cuius territorio res alienanda consistat

In immobilium autem alienatione rei ecclesiastice requiritur votum vocatorum causa et tractatus expressus et alie solemnitates de quibus in c. Sud. de re ec. non alie li. vi

In tod etiam capitulo regularium non potest quis aliquis minimi de mensa ecclesie sibi nisi ex iusta causa et possessione vacato

De locato

Locatio facta per prelatum cum consensu sui capituli aut per inferiorem cum auctoritate superioris sine ex causa licita etiam in utilitatem ecclesie transit ad successores alias non / Similis durans per se et suos successores [illegible] morte locatoris extinguitur Nec pacta [illegible] huius [illegible] statuta recipiat personam

Locatio facta per prelatum de fructibus prelature sue etiam sine consensu capituli valet usque ad mortem eius / et si sit nomine ecclesie et utiliter servata solemnitate iuris perpetua est et successor tenetur eam servare / ceteris de beneficiato simplici 2 2 9

De rerum permutatione

Beneficia resignata vel devoluta ad curiam non permutantur coram ordinario / et ex permutatibus [illegible] sed sine errore non impediat patebit ad ea regressus beneficio superiori 2 1 1

Permutari potest unum beneficium pro duobus [illegible] alteri si enim [illegible] alio dimisso / ex officio collatoris per novam collationem reditur ad primum 3 6 8

Compermutanti sufficit probare reputationem in beneficio sine compermutato 3 6 9

Dispensatus super beneficio / non potest illud permutare nisi id est sibi specialiter concessum / nec [illegible] talis dispensato permutanti licet regressus ad primum beneficium ubi nova collatione et dispensatione 3 1 1

Episcopus [illegible] beneficium in aliena diocesi non potest illius permutationem auctorizare nec alia [illegible] nisi sibi hoc competat ex privilegio vel consuetudine 3 8 9

Ius ad rem permutari non potest 2 2 8

[illegible] ecclesie non possunt sine auctoritate superioris ad [illegible] [illegible] distinctas [illegible] permutare ceteris [illegible] de indistinctis 2 2 0 in medio

Permutanti non competit [illegible] vi nec [illegible] reintegrandi 3 6 1

Permutans si regreditur ad primum beneficium opus est nova institutione 2 2 2 / 3 6 8

1 [illegible]

89

De feudis

Permutatio beneficii iurispatronatus laicalis facta per episcopum absque vocatione dicti laici non est nulla sed annullanda ut 3 l o

Dominus feudi potest committere alteri causam decidendam inter vasallos suos per quam commissionem ipse committens non potest aliquid domino adiudicare 3 8 o

Feuda dari possunt in dote que viva investita non fuissent nisi dominus expresse id concessisset 3 8 l

Investitura feudi prodest etiam absenti l l 8

De solutionibus

Anima persone

Aves vetitas solutiones probant precedentes cum quandoque arcta presumptione l 9 l

De testamentis

Debitum iure naturali per statutum vel consuetudinem in parte minui potest sed non in totum extingui l l l

Pater filios suos singulos constituens in certis rebus multa legata alia ceteris legata relinquentes herede intelligitur testatus 3 8 3

De successionibus ab intestato

Successor non tenetur stare contractui antecessoris sui nisi ipse contractus per morte antecessoris eius non expirat nec approbatur per receptionem census per ipsum successorem facta

Ratificare potest successor acta prius per antecessorem etiam veram [illegible] gesta

De sepulturis

Mors civilis quoque morti naturali equiparatur

De regularibus

Monachi et presbyteri canonici regulares habentes aliquas administrationes sicut et monachi possunt per se vel procuratores agere pro suis iuribus et de feudo et l 2 9

De statu monachorum

Agit et defendit regularis causas parrochialis ecclesie vel alius beneficii
etiam contra suum prelatum pro iuribus sue administrationis 4 2 7

Regularis de licentia sui prelati potest presentari et assumi ex dispensatione
diocesani ad curatam ecclesiam 3 3 7

Monachus potest agere pro liberatione sui abbatis iniuste depositi
et carcerati 1 2 4

Monachus non agit pro alienatis subtractis sed pro instaurandis in
futurum sic 1 2 7

Moniales habentes aliqua administrationem possunt petere mares pro parte
officiis de agere et procuratores ad hoc constituere 1 2 9

De iure patronatus

Presentat is qui possidet castrum vel villam ratione cuius oritur ius patronatus
nisi iam super illo iure lis foret contestata 3 3 6

Presentantes pro suo interesse possunt petere presentatum confirmari et in causa intervenire
etiam presentato desistente 3 3 1

Patronus infra tempus debitum dz per se vel procuratorem suum personaliter
clericum presentare superiori alias non sufficit traditio litterarum 3 3 8

Tempus prefixum est presentato et non confirmato 3 3 9

Effectus per promotionem sed ius ad rem cui ad institutionem potest in manibus
promoti renunciare et promotus ipse post huiusmodi renunciationem nomen ius
habebit 3 4 3

Patronus potest propter contemptum suum tollendum vel permutationem aut qualibet
aliam dispositionem de beneficio sui iuris patronatus absque suo consensu factam
facere annullari 3 1 0

Propter eminentem autem quam sibi papa super iura ecclesiastica potest prono tanto
vindicare dummodo constet quod hoc facere intenderit 3 4 7 ad finem

Patronus potest loco religioso ius patronatus donare absque alia vtilitate
de licentia diocesani / ymmo potest irrequisito episcopo quamvis alias absque
vtilitate non posset ius patronatus vendi 3 9 7

Maritus ratione dotis in qua comprehenditur ius patronatus presentare potest
cum tenetur rem dotalem dum tamen si ipse maritus et eius uxor
in presentando diversos presentatis concurrent / patronatus hic uxore preferetur 4 0 3

Patronus ad ecclesiam secularem non potest presentare religiosum 3 3 7

Presentatio facta per violentum possessorem an valeat 3 4 0

Dispensatio facta super aliquo beneficio incompatibili cum primo de presentatione
laici valet quamvis non fiat mentio de eo quod iure patronatus laicali 3 4 7

Presentare aliquem ponitur pro conferre et instituere 4 3 0

ps

no

no

De desponsatione impuberum

Pubes contrahens cum impubere etiam per verba de presenti ante tempora pubertatis potest cum alia pubere matrimonium licite contrahere non obstante promissione iuramento et superioris prohibitione q. 2

De conditionibus appositis

Si modus appositus non servetur non ipso iure sed per superiorem resolvitur donatio dicit modum q. 1

Conditio apposita in collatione gravati ipse potest eam non servare

Is qui expectat sub conditione casuali nullum ius habet nisi conditione adveniente

Qui filii sint legitimi

Imperator tantum legitimat ad hereditates intra iurisdictionem suam et papa universaliter / inferior non eis legitimandi potestatem non habet q. 1

De donationibus inter virum et uxorem

Maritus pendente matrimonio tenetur dotem vel dotalium

De accusationibus

Si agitur de crimine civiliter per modum actionis vel obiectus requiritur talis specificatio ex qua pars possit instrui quo crimine sit agens vel excipiens alias si reconvenit respondere tantum cum quod vel agatur criminaliter / exigitur exacta specificatio

In causa criminali tamen expressus tunc probare debitus nisi ante conclusionem de hoc fuit exceptum

Si reus in causa criminali nituerit si reus seu eius procurator sit captus

Ad causas absentie vel excusationis dum possessor super cuius statu alle-
gandus admittitur etiam procurator generalis
Defensor sine procuratorio potest intervenire pro reo cum que iniuriatur de cuius ad
effectum privationis beneficii
In questione status defensor admittitur sed non substituet et nichilominus
procedetur per audientiam publicam cum citatum

De expensis
prelatorum

Omnis tenet etiam sua causa expensas

Procuratoria perpetua potest unius mense capitulo vel abbatis et suis subest in capitulo
quum ad unitum possidentes mense instituitur rector et beneficium mensale
cuius servitium curare etc.

De privilegiis

Privilegium principis in sui preiudicium latissime est interpretandum
Privilegium a principe concessum statim sortitur effectum etiam antequam perveniat
ad notitiam privilegiati
Qui privilegium allegat illud probare tenetur
Unico actu contrario perditur privilegium quum ille actus suum habet effectum

Opponens manifestam offensam cum quo auditur hoc tempore probationis illam speci-
ficare teneatur

De iniuriis
et damno
dato

Verbalis iniuria est annalis nisi infra annum super ea sint lis contestata etc.
Dampna in actis specificata dolo vel violentia probata per iuratum
probantur alias per testes. Interesse vero per subtilitatem iudicis exigitur
In actione iniuriarum civili intentata sufficit tanta specificatio ut reus
et pars adversa possit certificari et testes deponere etc.

De penis

Si quis commisit delictum propter quod pena a iure incurrit nichilominus
tamen de iure et iudex cum enim in tali cognitione summarie et sine
libello procedit et pronunciabit illum commisisse tale delictum et decla-
rabit enim propter quod delictum penam talem incurrisse

De iniuriis
et damno dato

Succumbens super attemptatis condempnatur in expensis taxandis etiam ante cognitionem principalis cause mota modum diffinitive sententie 286

No[ta]

Cuius probabilis causa litigandi excusat a condempnatione expensarum non tamen a condempnatione fructuum per litteras contra preceptorem 182

Victor prime instantie si succumbat in secunda expensis primis [?] excusatur ab expensis in quibus condempnatus fuerat si ex eadem [?] prima sententia revocetur 288

(fructus recuperat expensas) Spoliatus obtinens in possessorio recuperat fructibus et expensis licet super petitorio iudex cognoscat non tamen sic est contra 288

Iudex appellationis potest in expensis non petitis in principali condempnare

Spoliatus obtinens in possessorio recuperatis fructibus et expensis et succumbens in petitorio condempnatur in fructibus et expensis a tempore petitorii primo inchoati 296

Expensarum condempnatio et taxatio quando et per quem fieri possit 289 et sequentibus

Sententia excommunicationis

Iusta excommunicatio non inficit iniusta metu timetur iniusta excommunicatio ab ordinario lata excusat reum si a dicto iudice sententia iniusta non ligat 117 et 278

Absolvitur non cautionem de parendo iuri et satisfaciendo de expensis ab excommunicato quando dicat iniustam si non probet manifesta offensa reus si per contumaciam quando tamen non absolvetur nisi primo satisfaciat vel ydoneam cautionem prestiterit 292

Tenet excommunicatio infra x dies quibus quis appellare a sententia possit lata 261

post inhibitionem licet in statim excommunicatio lata non tenet

Absolutoria sed non admonitoria fieri potest pro reo excommunicato non contumace 297

Excommunicatus potest acceptare et optare et alia que in eius voluntate consistunt facere 316 et sequentibus

No[ta]

Excommunicatio opposita durante peremptorie non [?] per denuntiatum 199

Sententia excommunicationis non annullatur per appellationem sequentem etiam si fuerit lata si infra decem dies post sententiam datos ad appellandum 261 et 270

adherentes [illegible]

Ab excommunicatione appellato etiam proficit adherentes si sint infra x dies 296

Absolutio ad cautelam propter dubium et periculum conceditur

Non absolvitur ad cautelam qui dicit se exemptum non appellasse nisi prius doceat saltem summarie de exemptione 298

Excommunicatus potest acceptare et optare et alia que in eius voluntate consistunt facere 316 et sequentibus

Ad videndum absolvi ad cautelam de adversarius citari

Res iudicata de qua non dubitatur vel manifesta offensa impedit absolutionem ad cautelam

Ante appellationem excommunicatio lata tz/ quamvis infra x dies appellatio sequatur Sed eius suspenditur denunciatio et excommunicato statim trahit secum executionem

Absolutio ab excommunicatione non potest peti ante speciale mandatum quamvis generalis procurator vel quevis persona potest petere ~~excom~~ sententiam [excommunicationis] pronunciari nullam

Interdictum singulare in aliqua ecclesia potest ad cautelam relaxari

Iudicis excommunicationem sententiam ligat subditos contrahentes in non solvendo/ quamvis subditus per tertium non probetur ~~excom~~ nisi ostendat illud infra tempus non solvisse q 2 ^

Absolutus ex falsa causa reintruditur citatione premissa 3 9 o

Canonicus pro concanonico/ etiam sine mandato potest petere beneficium absolutionis a sententia excommunicationis q d 9

Sententiam excommunicationis generalem latam in non solventes certum debitum non presumitur ignorasse/ qui tempore publicationis illius fuit presens in loco/ admittitur tamen probatio illius in contrarium de ignorantia/ et hoc per illius iuramentum q 2 ^

Excommunicatus in causa matrimoniali potest petere restitutionem ad appellandum etc. q 3 r

De vbo(rum) suffi(cien)cia

Verba no(n) debe(n)t esse sup(er)flua s(ed) aliquid p(ro)d(ucere) op(er)ari · e · s · c

Impp(ro)p(ri)antu(r) v(er)ba ut intellectus p(ro)ferentis (con)venie(n)tior elicia(n)tur

Verbi d(er)ivatio no(n) recipiu(n)t exte(n)sio(n)em e(ti)a(m) ex ydemptitate r(ati)onis

Verbum d(ixi) importat artac(i)o(n)em

Sufficit q(uod) v(er)ba verum effectum ope(ra)ntur

Ubi data est certa forma vel solempnitas dispo(si)t(i)e adimple(n)do illa omnino s(er)vanda est · al(ia)s non valet · Secus s(i) actus possit solo v(er)bo aut (con)sensu expediri, q(uia) t(un)c sufficit qualit(er)cu(n)q(ue) (con)stet de voluntate age(n)tis

Ex ordine scripture argui(tu)r q(uod) co(n)cilia fuerunt no(n) q(uo)d an(te) m(odo) c(irca) · nemo de cler(icis) li(bro) vi in novella

Appellat(i)o aliq(uan)do h(ab)et effectum attemptato(rum) · e · s · c

Inducio in possessionem p(re)bende attemptate h(ab)et vim provis(i)o(n)is · e · 2 · e

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Decisiones nove dominorum Canonistarum Rote

In nomine domini amen. Sequuntur [illegible] anno a nativitate eiusdem millesimo ccc° lxx° vi, die mercurii xxx mensis Januarii, pontificatus sanctissimi in Christo patris ac domini nostri domini Gregorii divina providentia pape xi anno sexto, de mandato [illegible] et [illegible] nos auditores [illegible] videlicet Robertus de Stratton legum [illegible] decretorum [illegible] Johannes de [illegible] Nicolaus de [illegible] Petrus [illegible] Egidius Bellemere et Johannes de [illegible] legum ac [illegible] [illegible] decretorum doctores [illegible] auditores [illegible] [illegible]

[illegible]

1 [illegible]

2 [illegible]

3 [illegible]

[illegible]

[I]mpetrans fuit ad collationem [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] xxxi [illegible] in [illegible] [illegible] [illegible] [illegible] in [illegible]

[illegible] [S]i quis auditor datus in [illegible] in causa appellationis interposite [illegible] fuit appellatum [illegible] [illegible] appellationis et causa [illegible] devoluta [illegible] si in articulo appellationis [illegible] sit commissa in [illegible] citandi ad partes [illegible] auditor [illegible] [illegible] [illegible] appellationis [illegible] [illegible] sit [illegible] et ad causam devolutum et alias [illegible] [illegible]

[illegible] [illegible]

20 [illegible]

Nam quamquam cardinal fuit ad sedem ap(osto)l(ica)m devoluta super qua nichil ibidem clausula derogatoria
devolucio(n)e [illegible] tractatum vindicacionem cuius cessat [illegible] ut possessionem [illegible]
[illegible] que leguntur et notantur et habentur et [illegible] et cetera [illegible] obstat [illegible]
illi non debuit ergo super [illegible] non debuit [illegible] ad [illegible] [illegible]
[illegible] ut differri non [illegible] maxime [illegible] in [illegible]
[illegible] formula et non [illegible] et [illegible] quod faciebat [illegible]
[illegible] tota [illegible] fuit [illegible] et [illegible] [illegible] sibi [illegible]
[illegible] racione [illegible] [illegible] potuit [illegible]
[illegible] et [illegible] fuit [illegible]
[illegible] et [illegible] [illegible] forte [illegible]
[illegible] [illegible] sedis ap(osto)l(ic)e [illegible] et [illegible]
[illegible] que leguntur et notantur [illegible] [illegible]
[illegible] debet [illegible] [illegible]
[illegible] ad [illegible]
[illegible] translata [illegible]
[illegible] cum privilegiis [illegible] translacionem [illegible]
[illegible] potuit [illegible] obstat [illegible]
[illegible] debuit [illegible]
[illegible] fuit [illegible] appellantem [illegible]
[illegible] adulter(?) [illegible]
[illegible] postulantes [illegible] et [illegible] ad [illegible]
[illegible] postulacionem [illegible] fuit
formula [illegible] postulacionem [illegible]
et [illegible] tota [illegible] postulacionem et electionem
[illegible] et ad [illegible] postulacionem [illegible] apposita
[illegible] habebat ad electionem [illegible]
[illegible] maior [illegible] electione
[illegible] et postulantes [illegible]
[illegible] et [illegible] et [illegible]
maior [illegible] debuit [illegible] ut [illegible] quod [illegible] tota
[illegible] appellantem [illegible]
[illegible] allegatis.

4 Item [illegible] appellantem [illegible] de illo
beneficio [illegible] et [illegible] et [illegible]
et [illegible] appellantem [illegible] ut in [illegible]
non [illegible] et [illegible]
[illegible] [illegible] a [illegible]
[illegible] est ad et [illegible] [illegible] folio [illegible]

6 Item [illegible] [illegible] ad sedem apostolicam
[illegible] appellantem et [illegible] ad [illegible] appellantem [illegible]

tenebit partes reintegr[ari] [illegible] sit tamen appellatio super petita [illegible]
recepta posset ad [illegible] iudicem [illegible] parcium nec posset partes redire
ad primum iudicem a quo fuit appellatum si deserit appellacio ac si esset appellatio
et delata redditur ad priorem iudicem salvo nisi appellantes [illegible]
[illegible] appellacio que tunc locum sed [illegible] expensis et [illegible]
[illegible] reddi[tur] sine [illegible] parti [illegible]
[illegible] ext. [illegible] de appellacionibus [illegible]
[illegible] apparet quod [illegible]
[illegible] appellantes [illegible] appellatos debito tempore [illegible]
[illegible] partes reddunt ad priorem iudicem [illegible]
[illegible] appellacionem [illegible] licitum est [illegible]
[illegible] ad appellata [illegible] fuerint et [illegible]
[illegible] et [illegible] de appellacionibus [illegible] ubi
[illegible] et [illegible] de iudice appellato [illegible] possit reintegr[ari]
[illegible] et [illegible] et [illegible]
[illegible] quod [illegible] ubi
[illegible] remittit [illegible] remissio [illegible]
remittit [illegible] ad [illegible] constitucionem [illegible] de appellacionibus [illegible]
[illegible] de appellacionibus [illegible] quem [illegible]
[illegible] iudices [illegible] et [illegible]
[illegible] de appellacionibus [illegible] ubi apparet [illegible] delegacionem
iudicis transferendi tota [illegible] superiorem [illegible] quod [illegible]
[illegible] autem [illegible] expensis et [illegible]
[illegible] remissio [illegible]
commissio et [illegible] et [illegible] antiqui [illegible]
[illegible] ad [illegible] michel [illegible]
[illegible] de [illegible] appellacionibus [illegible]
[illegible]
iudex a quo appellatur [illegible] et sit iudex [illegible] que
[illegible] appellacionem [illegible] redire [illegible]
fuerint [illegible] antiqua [illegible] et [illegible]
[illegible] de appellacionibus [illegible] de appellacionibus
[illegible] delata [illegible] cassan[illegible]
[illegible] iudice a quo [illegible] et [illegible]
[illegible] posset [illegible] et [illegible] ordinario [illegible] iudicem
[illegible] posset [illegible] ad quem partes [illegible] redire
[illegible] delacionem [illegible] et [illegible] [illegible] l. vi

[illegible] posset appellatio [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Item cum [illegible] clement[ina] [illegible] quod [illegible] appellant[illegible]
appellacionem [illegible] de [illegible] de [illegible] ∧

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8

[illegible]

8 [illegible]

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[illegible]

appellans ibi supplevit addidit et detraxit sicut sive quod alias pro [illegible]
[illegible] vel videtur quia judici per legem supple. de facto sed de jure
ut e. quia desunt adeo [illegible] facit [illegible] l. eos C. de app. et de off.
dele. cum [illegible] ut [illegible] et debitus de app. quia judex [illegible]
[illegible] et [illegible] [illegible] [illegible] vel [illegible] et nisi aliud [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] sive quia app. [illegible] effectu suspendit ff. ad [illegible] l. 1
et de jure [illegible] [illegible] et sicut [illegible] [illegible] totaliter informat
[illegible] [illegible] [illegible] [illegible] [illegible] informare et supplere [illegible] quia [illegible]
[illegible] [illegible] [illegible] sed [illegible] adeo plene [illegible] sicut [illegible] [illegible]
[illegible] judici per [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] articulo [illegible]
judex app. [illegible] [illegible] [illegible] [illegible] [illegible] app. l.
[illegible] [illegible] [illegible] judex [illegible] [illegible] informare ita et [illegible] addere et supple
ut [illegible] [illegible] [illegible] et [illegible]

Item judex app. [illegible] judici [illegible] [illegible] quod [illegible] quia [illegible]
judex [illegible] potuit et debuit et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] judex app. [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] app. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] app. [illegible] [illegible] [illegible]
et [illegible] [illegible] de app. de [illegible] ut [illegible] [illegible] [illegible] ubi [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ubi [illegible]
supple. de facto quod [illegible] est [illegible] ut judici [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] de app. [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] judici quod [illegible] judici [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] app. [illegible] appellando [illegible] [illegible] [illegible] [illegible]
[illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] appellant [illegible] [illegible] [illegible] appellata [illegible] [illegible]
[illegible] ut ibi [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] quod judex app. possit addere vel supplere [illegible] [illegible]
[illegible] [illegible] quod sit app. [illegible] [illegible] [illegible] quod sit
[illegible] ibi [illegible] ut [illegible] [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] quod judex [illegible] supplere
[illegible] [illegible] est [illegible] [illegible] est [illegible] judici [illegible] sunt in casu

D. sexto libro eodem titulo cum tamen causa tenuat appellationis de cuius duorum priorum consilio et consilio supplicationi sanctissimi pro iure duorum iudicum suorum in causa conserendis ibi ubi libris ... proterea et pluries clausi coram eo

10 Item si appellatur a diffinitiva tenua in absentia partium iudicatur et ad domum propriam ... vel ... ubi tamen appellationis et causa Notarii et debitus tenua habet tenuat appellatio ... et ... in facto quod licet sententiabatur per appellantem ubi erat sindicatur per loca et ... adiacentibus suis distantis ... per duas dietas et sic ut videbatur tenebatur appellans misisse et appellatus misit ... dies perisse et quia illos non potest se ... appellationem ... iudicatur qui potuit intimaverit debebatur appellationem renunciasse de ... et ... si ... de appellatione ... multa ... quibus rigor ... sunt de tradita et ... Item licet ... quod coram iudice sit appellandum ut in debitis ... deferat ... ut in ... de ... de appellatione et ... videtur ubi ... et de appellatione ... in ... vel ... si ... copia et ... publice ... ut in ... sentencie ... appellanti ... si de appellatione ... cum ... appellatio ... in absentia iudicis ... cum ... vel ... absentia ut in ... et ... et ... in ... appellatio ... iudicis ... iudicii ... sunt

in certo iudice ... sunt ... duas dietas ... vel a loco quo iudicatum ... cum ... non debuit se ... in ... statutum ... nullo ... de ... in ... quo ... tamen ubi ... per appellationes ... qui sunt ... et ... ubi ... appellant ... debita et appellatus ... appellationem ... renunciavit ... satisfecit ... de ... quod non est ... appellationis ... petitio quia appellatur a diffinitiva sententia ... iudex non possit ... alios appellos ... quia ... tenuat appellatio et si non ... procedere ut ... et ... in ... de appellatione ... quod ... consideratur ... in ... sentencia ... appellationis ... petitio a diffinitiva ... dispensatur ... antiquitas ... de appellationibus a diffinitiva ... in ... antiquitas ... de ... dispensatur ... in ... de appellationibus ... habemus ... non ... appellationes sunt ... sunt ... appellationis ... in ... ab eo

Item licet appellatur a diffinitiva sententia ... in absentia partium iudicatur et ad domum habitacionis ... et ... et ... si ... per ... copia ... iudicis

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debemus

de app. li. vi. quod licet obiicit et ut supra et c. cordi et omnia verba sequentia de appellatione petendis vel dandis eorundem sive iudicialis sive extraiudicialis sive appellatio

gravaminis sit intelligenda ut q. v. consuluisti xxiii. q. iiii. dicit ibi. verum

dominicus et alii dicunt in quinque primis casibus, sive interposita sit appellatio ab appellante

differentia non debent peti ad quem appellant doctores ut c. ab eo de app.

li. vi. et ut c. quibus li. vi. c. ex. reperuntur alii infra xxx dies data

ad petendum apostolos cum ante adeant prelationes sive vel appellationes interposite

frustra cum tunc ecclesia sit instantia contra ipsos quia ut c. cordi supra vero

saluis ut c. dispositio non obstat quo alias est modus appellandi a

diffinitiva quota sive ea et sive scripto et tunc prosequendi et petendi

non prosequentem iurandi quia in appellatione interposita in scriptis et

in iudicio coram iudice voluit aliquis imminere sed quo ad apostolorum

petitionem et dationem que sit post appellationem et de omnibus sollempniter nichil

est innovatum. Nunc statutum et ordinatum est quod infra triginta appellationem

infra xxx dies locum et tempore congruis et in debita instantia petenter

alias petitio appellationis appellationem renuntiasse videtur, apud reputatur

pro appellante ut c. quibus et c. cordi, licet ecclesia contra antiquos canones tamen

et c. post appellationem contra pretextum gl.[a] ut in q. cum sit quod iudicium

de quo post dotam vero sententiam et c. ut appellationem et si sint quorum de iudicibus

aut contra quod sive iudicis appellationem recipiat sive non sunt apostoli

tradendi et consilium tenentur ut li. et glo. ut c. cordi et c. ut supra

de s. d'app. li. vi.

constat lit[igio] decis[ione] — Item fuit dubitatum utrum appellationes interlocutorie incausis beneficiali

in foro c. statuimus de elec. li. vi. et petimus ad quo sunt

causa in foro eccl. cum electionis et c. si appellatio communis appellationem

in continuatione post appellationem prosequendi et finem probatur reportari

possit ab his qui sunt appellant infra deiendum appellationem sive videtur

aliquibus quod sit plures iudices servanda est equalitas.

Item non obstat licet actore appellationes non licet ut xv. dixi in c. i.

et in d'vi. sine non de lex. licet multis per hoc videtur in

absentia post appellationem in causis beneficialibus et sint quod in servatur apud de

stilo et moris curie licet xxx dies post prelationes sive potest

appellationes et appellatio quod c. de sup[er] dominus appellationem sit debita petenda

in foro per ecclesia cum quod non audivit appellans et potest consilio

competenti. Et ad in dicto c. statuimus quod intelligatur de loco non facto

gravamine de quo in ipsa in dicta cle. cum in glo. amplius et melius

in cle. si ante de do. et con. item petit dicto de verbis

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[illegible] Nam maior est gravamina actoris quam rei de [illegible] et [illegible] tam que
et e contra et [illegible] et sic cessat ar. equalitatis [illegible]
introducta. Preterea appellacio est instar [illegible] et [illegible] pena app. [illegible]
[illegible] vel [illegible] statuto quod si [illegible] puniri de app. cum sit
et c. [illegible] et c. [illegible] et c. [illegible] et [illegible] Item ut plurimum
appellantes [illegible] solent deducere obiectiones [illegible] appellacionis
quas si non probaverint [illegible] puniri et [illegible] si non [illegible]
ar. c. [illegible] et c. [illegible] de [illegible] Nam [illegible] dicit
c. cordi [illegible] de app. quod [illegible] facit ad propositum quod [illegible]
debet [illegible] qui [illegible] iudice et [illegible] concludit [illegible]
appellans [illegible] appellacionis [illegible] deducendo obiectiones [illegible] appellacionis
[illegible] quia [illegible] cedunt [illegible]
[illegible] c. ut debitus de app. et [illegible] c. [illegible] et c. [illegible] de [illegible]
[illegible] assendit [illegible] dicatur [illegible] appellassi [illegible]
[illegible] iudicium [illegible] ad [illegible] appellant [illegible]
[illegible] Pateat sibi [illegible] concludit [illegible] citando ad [illegible]
[illegible] appellacionem et [illegible] laboribus et expensis et si [illegible]
et [illegible] et [illegible] generalis et [illegible]
[illegible] auditur appellans qui citato [illegible] appellacionis
[illegible] et [illegible] qui et c. [illegible]
[illegible] et [illegible] de facto suo et [illegible]
certiorari [illegible] qui forsan [illegible]
[illegible] Nam [illegible] est [illegible] ut in [illegible]
tam que de do et gra. et sic [illegible] auditur app. [illegible]
[illegible] quia [illegible] non [illegible]
interesse et aliquali lesione vel [illegible] causa [illegible] vel impedimento
ar. [illegible] c. [illegible] Bertholdus [illegible] de [illegible] [illegible]

12 Item si appellatur ab electione postulacione vel provisione alicuius facta vel facienda
[illegible] ad [illegible] et non in [illegible] tamen [illegible] dubitatur
[illegible] causa devolvitur ad curiam. Et videbatur
aliquibus [illegible] quod [illegible] si appellacionis [illegible] ad [illegible]
appellant ad [illegible] negocium [illegible] et tam
[illegible] probabile in [illegible] appellacionis [illegible]
[illegible] quia [illegible] est [illegible] appellare vel [illegible] de app.
[illegible] et c. [illegible] [illegible]
[illegible] c. cordi de app. [illegible]
[illegible] et [illegible] appellatur ad [illegible]

et hoc est verum cum assignetur et est appellans petit pendi [illegible]
cadit et ipse appellatus [illegible] remoto et c. [illegible] et c. [illegible] de
appe. et de app. in [illegible] app. sup li. vi. [illegible] quod licet appellatio tamen
[illegible] est huius [illegible] et [illegible] assignationem [illegible] totam
[illegible] ad curiam [illegible] quia si iudex [illegible]
appellationem [illegible] et a [illegible] tunc [illegible] [illegible] [illegible]
abdicat et totam [illegible] statum in [illegible] transfundit et [illegible]
[illegible] alteram [illegible] est [illegible] sic d. et notatur loco allegato
Si vero iudex [illegible] appellationem non [illegible] tunc illa appellatio devoluit
causam quia [illegible] [illegible] [illegible] iudicium [illegible] ad
curiam devolui et in c. ut debitus et de app. et [illegible]
in c. [illegible] de elect. li. vi. et ibi [illegible] [illegible]
[illegible] dicunt et tenent quod in appellationis [illegible] [illegible] [illegible] et statut
et ut [illegible] et c. [illegible] de elect. li. vi. [illegible] sic c. [illegible]
de app. [illegible] in principio [illegible] et [illegible] [illegible]
c. [illegible] [illegible] appellatio et [illegible] [illegible] devolvit [illegible]
[illegible] appellatio non fuit [illegible] [illegible] et ea [illegible]
assignata [illegible] fuit [illegible] et [illegible] quod [illegible] devolvit [illegible]
[illegible] est [illegible] appellandi [illegible] et [illegible] [illegible] et in
c. [illegible] et c. ut debitus et c. [illegible] de app. et [illegible] appellatio
sit valida [illegible] sic appellatur [illegible] et in l. [illegible] de app. [illegible]
[illegible] [illegible] non [illegible] et in c. [illegible]
[illegible] appellatio [illegible] [illegible] et [illegible] [illegible] non
[illegible] quod [illegible] ad curiam quod c. [illegible] odiosum et [illegible]
[illegible] [illegible] [illegible] de app. in [illegible] in [illegible]
in [illegible] li. vi. [illegible] [illegible] [illegible] regule non [illegible] [illegible]
et c. [illegible] non valet de re [illegible] li. vi.

Item si [illegible] [illegible] [illegible] tradi copia appellationis appellatio non [illegible]
sibi [illegible] non [illegible] quod ad devolutionem [illegible] ad curiam [illegible]
[illegible] alia iudicia [illegible] appellationum [illegible] [illegible] et in
[illegible] [illegible] [illegible] [illegible] [illegible] quod appellatio devolvit
[illegible] quod [illegible] [illegible] [illegible] per appellationem [illegible] [illegible]
[illegible] [illegible] de electione [illegible] [illegible] appellatio [illegible]
[illegible] porrigatur et tradatur [illegible] [illegible] [illegible] [illegible]
sibi [illegible] [illegible] [illegible] [illegible] non [illegible] tradatur sibi [illegible]
[illegible] [illegible] tunc [illegible] [illegible] sufficit sibi
tradi [illegible] copiam appellationis [illegible] [illegible] tradi [illegible]

[illegible] sibi [illegible] ad [illegible]

19 Item [illegible] [illegible] ad [illegible] sibi [illegible] Nam [illegible] [illegible] et [illegible]

1A Item [illegible] sibi [illegible] [illegible] et [illegible]

18 Item [illegible] et [illegible] et [illegible] et [illegible] ad [illegible]

vel si sententia est devoluta si pendeat causa appellationis devoluta pro
eo quod iudex ad quem [illegible] ff. [illegible] regula [illegible] de re iud.
li. vi.

Item si iudicator pendeat super desertione appellationis [illegible] si appellatur et [illegible]
dicatur de diligentia appellantis propter negligentiam quia adhuc tempus currit [illegible]
[illegible] et [illegible] iudex [illegible] quia [illegible] propter [illegible] de app.
[illegible] et c. si a iudice li. vi. 19

Item si iudex recipiat appellantem ad [illegible] [illegible] ad prosequendum 20
appellationem [illegible] ad [illegible] de [illegible] [illegible]
[illegible] sufficit appellanti [illegible] [illegible]
ad prosequendum [illegible] appellationem [illegible] [illegible] non [illegible]
[illegible] quia [illegible] [illegible] fecit diligentiam [illegible]
debuit [illegible] [illegible] [illegible] et [illegible] ad [illegible] et ad [illegible]
[illegible] [illegible] [illegible] [illegible] est sibi [illegible]
[illegible] [illegible] et [illegible] c. [illegible] et c. [illegible] de elect.
li. vi. Et hic [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] et ipse iudex possit [illegible] [illegible] [illegible]
[illegible] c. [illegible] et c. [illegible] et c. [illegible] de app. [illegible]
[illegible] appellatio [illegible] [illegible] [illegible] ad [illegible] [illegible]
Et si obtinuerit [illegible] [illegible] [illegible] et [illegible]
de elect. c. [illegible] de [illegible] de re iu. c. pastoralis [illegible]

Item quod iudex appellationis [illegible] [illegible] [illegible] et testes [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et valebunt
[illegible] [illegible] [illegible] iudici [illegible] est appellatum si [illegible]
[illegible] [illegible] et [illegible] appellatum [illegible] aut [illegible]
[illegible] est [illegible] [illegible]

Item hic appellatio [illegible] [illegible] est deserta [illegible] [illegible] 21
[illegible] [illegible] [illegible] [illegible] [illegible] desertam vel confirmare
[illegible] [illegible] si [illegible] [illegible] [illegible] sibi [illegible]
[illegible] [illegible] committitur. Nam [illegible] [illegible]
[illegible] et [illegible] appellatio [illegible] [illegible] et [illegible] est confirmata
ut de app. c. [illegible] et c. [illegible] et c. [illegible] de elect. c. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] c. [illegible] de confirmatione [illegible] [illegible]

22 Item quod fatalia ad prosequendum et finiendum appellationem [illegible] adversaria
pars [illegible] appellanti [illegible] et agit super attemptatis [illegible] aliud
tempore et [illegible] tempore [illegible] finiendi post [illegible] super attemptatis [illegible] est
de fatalibus [illegible] Nam licet [illegible] appellationem [illegible]
et negotium [illegible] et [illegible] attemptatorum [illegible] ad [illegible] acta
[illegible] [illegible] sibi allegare quod super attemptatis
[illegible] appellationis [illegible]
[illegible] et quod culpa adversarii attemptatis et [illegible]
[illegible] [illegible] Ita quod [illegible] fatalia sibi [illegible]
[illegible] debet [illegible] appellationis [illegible] et [illegible]
[illegible] in aliis
[illegible] attemptatis [illegible]
[illegible] et dolosi [illegible] et [illegible] sibi [illegible] non debet
[illegible] quod [illegible] super [illegible]

23 Item quod [illegible] appellationis [illegible] appellante [illegible]
[illegible] appellans [illegible] appellatam [illegible] licet [illegible] ubi [illegible]
[illegible] appellationis [illegible] et [illegible] super appellationis [illegible]
[illegible] et [illegible]
[illegible] [illegible] appellationis
ibi [illegible] est [illegible] quia est [illegible] datur in [illegible]
[illegible] committitur [illegible] [illegible]
[illegible] alia [illegible]
[illegible] appellationis auditor [illegible]

24 Item quod [illegible] appellationis in [illegible] beneficiali facta [illegible] appellationis
[illegible] alium [illegible] appellationis [illegible]
Nam [illegible] appellantis [illegible]
[illegible] appellationis [illegible] Item [illegible] ut [illegible]
[illegible] est [illegible] et [illegible] qui
[illegible] licet [illegible] super [illegible]
appellationis [illegible] et [illegible]
[illegible] et [illegible]
[illegible] [illegible]
et [illegible]

24 Item quod appellationis in [illegible] beneficiali licet [illegible] appellationis ut sibi
[illegible] appellationis [illegible] datur

pendentiam et sic statuitur quod ... absolutionis sive appellationis ... per dictis
appellationem sive [illegible] de ... licet ... posset et
[illegible] habetur quando appellatur et non ... et statutum de ...
super ... post ... et [illegible]
appellatio ... sunt ... non ... et sic potest ... auditor
... statutum ubi ... causis
in ... ubi ... auditor ... in ... si ante
de ... et ... possit ... et ... respiceretur
appellatio ... appellatio ... sunt ... appellatio et
... ad ... et ... cathedrali ...
... reputatur ... auditur appellatio ... et non ... in dicta
... de ... et ...

Item quod appellatur agravatus ab aliis auditoribus et palacii auditoribus cui 26
causa appellationis ... est commissa ... commissarium auditorum
... appellationis et causam ... auditoribus ... commissarius
auditor statutum in negotio ... per ... non obstante
quod ... auditor ... appellationis et causam ... appellationis
alibi commissa ... non sunt ... Nam quando
... auditorum ... publicata ... et sic
... causa ... appellationis ... causa ...
in ... declaratum

Item quod in causa beneficiali in ... in ... possessorio 27
vel aliam ... non ... ad ... appellatur
et appellatio debite ... causam ... totum negotium
... ad ... de ... et statutum super ...
... et ... et ... et in ... dicta ... super ...
... in ...

Item licet post ... causa appellationis ... auditorum 28
... dato ... in negotio ...
... attemptatis post et
... et ...
... appellationem ... et ... est ...
... est ... in ... est ...
... et ... appellatio ... videtur
... et ... ad ... et
... actor ... spoliatum
... et ... et ...
... et ... rebus ...
et ... spoliationis ... attemptatis

141

142

138

193

[illegible] ultra [illegible] [illegible] [illegible]

29 Item [illegible] attemptata [illegible] appellantis [illegible] [illegible] appellante [illegible] [illegible] [illegible]

30 Item [illegible] ad [illegible] appellantis [illegible] appellanti 207 [illegible] [illegible] de app. [illegible] appellante [illegible] actoris [illegible] appellanti [illegible] [illegible] [illegible]

[illegible]

puta supersedendo vel ulterius curiam procedendo super aliquo de quo est appellatum et
videbit ad iudicem a quo appellatur ut in persona et in re ac fit et
in tempore et in circumstanciis de appellatione. Loquendo igitur de secundo hoc, si in
primis lapsu inducatur de quo appellatur, quia si in causa dum de iure
esset absoluta de qua priori appellatione appellatur, astringi ad suum appellum defendit
non obstat ... non licet actori ... ordinabili licitum est renunciare
... ad appellandum ... favore eius cui appellatur
est ... sibi ... aliquo ad prosequendum et finiendum
appellum ... in iure ... renunciare et ...
actore et ... sibi assignatur ... cum in hoc
... est sibi ... non ...
favore ... sibi ... cum ab favore
... de re iure
... actore ...
... ubi est ...
ut ... si appellans ... iudicem appellationis quia hoc voluit appellans
ita et appellans ... ad iudicem a quo appellatur
... voluit appellans ... et ita ...
appellanti ... appellans
ut sit ... causa appellationis ... et appellans ad iudicem ad quem
... quod sit ... quod ... appellationis ...
... ut ... alicui appellanti ad prosequendum
... appellanti ... est verisimile
quod hoc ... appellanti ... quia ... et ...
... quod ... sibi longius tempus
... appellanti ... licet verisimile sit quod ...
... libenter ...
... ibi ...
... obstat ... quia ibi appellans ... actore appel-
... ad prosequendum causam appellationis ... negocium principale ... cum
si voluit et petat ... actori ...
primo quod ... causam ... prosequendi
vel ... appellanti ... quod intendit ... prosequendi
... si ... et ... appellans ... quod ...
appellatur ... non remittitur ad iudicem a quo
appellatur ... negocium principale ... iudicem ...
in ... et ... de appellatione ... remaneat
in hoc quod ... appellationis et ut sit ...
cognoscatur de negocio principali ... nisi ...

anni a tempore introducti et sibi [illegible] petitionem appellationis [illegible] et ideo
nisi doceat sibi [illegible] per procuratorem appellationis [illegible] infra [illegible] augetur
et duplicatur sibi tempus [illegible] alias [illegible] petere [illegible] appellationis
sed dum debet [illegible] appellationem [illegible] [illegible]
[illegible] ac [illegible] appellans [illegible] et petat [illegible] tempore [illegible]
sufficit sibi [illegible] sufficienter instructus [illegible] ad [illegible]
et [illegible] [illegible] [illegible] et [illegible] duos annos [illegible] alias [illegible]
tamen [illegible] [illegible] si igitur [illegible] petitionem appellationis
[illegible] alias [illegible] ad [illegible] et [illegible] et [illegible]
[illegible] [illegible] et [illegible] [illegible] voluntate [illegible]
et plenius [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] ad [illegible] [illegible] [illegible] debet [illegible]
qui [illegible] [illegible] debet [illegible] [illegible] appellans [illegible]
[illegible] appellanti ad [illegible] appellationis [illegible]
[illegible] sibi [illegible] et [illegible] petitionem [illegible]
[illegible] appellans [illegible] [illegible]
[illegible] appellans [illegible] [illegible] [illegible] ad [illegible]
ad [illegible] [illegible] [illegible] [illegible] [illegible] debet [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] appellationis [illegible] [illegible] [illegible] [illegible] et in [illegible]
[illegible] cum deo

31 [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] appellans [illegible] petat [illegible] ad [illegible] actis
et [illegible] et [illegible] et sic appellans habebit [illegible] ad
[illegible] [illegible] appellationis [illegible] et [illegible]
[illegible] [illegible] petit [illegible] [illegible] [illegible]
appellationis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] appellationis [illegible] appellationis [illegible]
[illegible] et [illegible] [illegible] ad [illegible] appellationem
[illegible] [illegible] habebit [illegible] [illegible] quo ad appellationem
[illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] appellans [illegible] petit [illegible] appellans [illegible]
mittat sufficienter [illegible] ubi [illegible] petit et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] appellans [illegible] et mittat sufficientes
[illegible] petit [illegible] [illegible] et sic
intelligendo [illegible] [illegible] [illegible] [illegible] petit
[illegible] habebit [illegible] et [illegible] appellans appellans ubi [illegible]
[illegible] [illegible] [illegible] appellans [illegible] et appellans [illegible]
[illegible] mittat [illegible] actis et [illegible] [illegible] [illegible]

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[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
appellans [illegible] [illegible]
[illegible] appellationis [illegible]
[illegible] [illegible]

[illegible]

Iuris vel homines qui habebit commissionem sine novum [illegible] procedendum ymmo etiam non obstante quod dictum [illegible] causis [illegible] vel [illegible] potest [illegible] et quod loquitur [illegible] in statutum [illegible] et [illegible]

2° [illegible] ubi [illegible] glosa [illegible] quod qui vel petit appellans [illegible] [illegible] [illegible] appellationis ad [illegible] principaliter [illegible] iudicium [illegible] [illegible] in appellationis sed etiam principali [illegible] [illegible] alias [illegible] [illegible] [illegible] in concordat [illegible] [illegible] opinionem [illegible] appellationis sit incepta [illegible] appellata [illegible] potest [illegible] Nicolaus [illegible] [illegible] [illegible] [illegible] [illegible] glosa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellandi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] opinionem [illegible] [illegible] [illegible]

at dicendum [illegible] appellationem ad [illegible] sufficit [illegible] ad [illegible] ut [illegible] Nicolaus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sufficienter [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellationis [illegible] opinionis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellationis [illegible] [illegible] [illegible] [illegible] [illegible] sufficit [illegible] [illegible] [illegible] [illegible] appellationis [illegible] sufficit [illegible] [illegible] appellationis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellationis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] opinionem [illegible] [illegible] incepta appellationis [illegible] appellata [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellati [illegible]

[illegible] [illegible] appellata [illegible] appellationem [illegible]

admitti appellacionem, numquam post appellacionem potest a parte appellare quod sit devolut(a) et alias pars et rescripta [illegible] et tunc iudicium reputo de quo dicitur [illegible] in de[cretali] [illegible] qui loquitur alternative et tunc [illegible] comminacionem causam appellationis sed non negocium principalis ad eum devolutum [illegible] petit [illegible] [illegible] negocium est devolutum ad superiorem

32 Item si quis absente et [illegible] ac [illegible] sententia feratur [illegible] et non appellet ab eo [illegible] [illegible] [illegible] quo [illegible] latam [illegible] non potest [illegible] peter restitucionem in integrum ad appellandum [illegible] quia [illegible] est remedium ordinarium [illegible] [illegible] ad [illegible] [illegible] causam de officio iudicis et [illegible] licet aliqui [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] facit [illegible] iudex [illegible] [illegible] [illegible] et [illegible] non fuit [illegible] [illegible] restitucionis ad appellandum sed [illegible] ad appellacionem et totum negocium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] causam [illegible] absentie fuit [illegible] [illegible] [illegible] [illegible] [illegible] lata [illegible] [illegible] [illegible] cum absentia [illegible] [illegible] et non fuit restitutus ad appellandum

33 Item quod [illegible] appellacionem [illegible] non [illegible] de [illegible] de causa [illegible] et [illegible] quod appellacio [illegible] possit [illegible] [illegible] [illegible] [illegible] est [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] appellat [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] est devolutum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] ... non potest [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] est devolutum [illegible] [illegible] [illegible]

34 Item licet actum sit in [illegible] [illegible] [illegible] [illegible] et conventum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]

presentem [illegible] pertinet se defendere et petere se absolui ab [illegible] et [illegible]

[illegible] Ponitur quod ipse solus et quilibet alter possit defendere [illegible] et bene [illegible]

[illegible] aliis [illegible] et [illegible] et [illegible] et [illegible] [illegible] alie-

[illegible] si [illegible] et [illegible] appellassemus [illegible] conventus appellant

et [illegible] [illegible] ad [illegible] [illegible] si abbas [illegible] transmississet

[illegible] ad [illegible] [illegible] ad appellationem [illegible] ad [illegible]

[illegible] [illegible] solus admittendus [illegible] [illegible] 37

[illegible] et [illegible] [illegible] [illegible]

[illegible] Si abbas et conventus [illegible] aliqua [illegible] [illegible]

et [illegible] [illegible] et sufficit [illegible] alterum [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] appellantes alternative [illegible] ad [illegible] et [illegible] 36

[illegible] appellationis [illegible] tractatum [illegible] aliquis et [illegible]

quod si dicat licet [illegible] [illegible] [illegible] [illegible]

[illegible] et [illegible] Si [illegible] et [illegible]

[illegible] alterius [illegible] et [illegible]

[illegible] et [illegible] et [illegible] [illegible]

[illegible] alternatiuis [illegible] et [illegible] et [illegible]

[illegible] et [illegible] [illegible] si [illegible]

[illegible] appellationis [illegible] et [illegible]

[illegible] faciat [illegible] appellationis [illegible]

[illegible] appellationis [illegible] si [illegible] appellationis [illegible]

appellationem alternatiuam [illegible] [illegible]

[illegible] appellationis [illegible] et [illegible]

[illegible] appellationis ad [illegible] [illegible] et [illegible]

[illegible] ad [illegible] dicit [illegible]

[illegible] [illegible] est [illegible]

et [illegible] Si [illegible] [illegible]

[illegible] potest et debent appellare [illegible] [illegible]

[illegible] admittit appellationem alternatiuam [illegible]

[illegible] alternatiua admitti [illegible]

[illegible] est [illegible] [illegible] appellationis

[illegible] et ipse eligit et [illegible] [illegible]

[illegible] et [illegible] et [illegible] et [illegible]

ut [illegible] [illegible] [illegible]

[illegible] appellationem [illegible] et [illegible] [illegible] 38

[illegible] appellationem et [illegible]

quod tenore commissio sit impetrata cum appellationum [illegible] littera est [illegible]
et [illegible] plenam scilicet [illegible] que in littera [illegible] in judice de
[illegible] antefacte et [illegible] modicum tempus intervallo [illegible]
impossibile [illegible] tenore commissionem [illegible] per appellationem impetratam
[illegible] fuit data in [illegible] cancellarie [illegible] in [illegible]
[illegible] data [illegible] futuris appellationibus [illegible] tamen [illegible]
[illegible] de [illegible] appellationibus [illegible] appellationem
[illegible] impetratis [illegible] appareretur data littere [illegible] potest [illegible]
[illegible] littera appellationis [illegible] impetrato [illegible]
[illegible] commissionibus impetratis [illegible] appellationem [illegible]
data appareret quod [illegible] et non impetrato attenditur [illegible]
fuit [illegible] in quibusdam aliis [illegible] quod si appellaretur [illegible]
et [illegible] auditoris commissio [illegible] appellationis
quod [illegible] commissio [illegible] [illegible]
[illegible] appareret [illegible] quod [illegible] fuit appellationis
et [illegible] fuit commissio [illegible] appellationem [illegible]
[illegible] est [illegible]
[illegible] in causis ad quos [illegible] appellationem fuit
[illegible] commissio et [illegible] in [illegible] causis [illegible]
fuit alibi [illegible] locum ubi [illegible] appellationis

38 Item si [illegible] alicuius ecclesie alicuius episcopi [illegible] appellat
a sua [illegible] et [illegible] in sua appellatione se exemptum [illegible]
[illegible] tanti temporis et cetera et petat [illegible] quod [illegible]
[illegible] est [illegible] appellationem judicialiter [illegible] attemptata
[illegible] si non probat exemptionem tenore attemptata non [illegible] revocanda
quod si [illegible] appellationem [illegible] [illegible] non [illegible]
[illegible] tenore revocandum est [illegible]
[illegible] et [illegible] de [illegible] et [illegible] de appellationibus [illegible]
~~[illegible]~~ [illegible] est [illegible] de appellatione
non [illegible] si [illegible] fuerit [illegible] de [illegible] quod [illegible]
[illegible] quod allegans se exemptum [illegible] episcopi et petens se absolvi
ad cautelam [illegible] non auditur nisi doceat
de sua exemptione [illegible] ibi [illegible]
[illegible] tenet [illegible] quod aliqualiter [illegible] non [illegible] de
tenore exemptionem [illegible] absolvatur [illegible] ordinarie [illegible]
[illegible] et [illegible] absolvatur [illegible] ad [illegible]
de [illegible] in [illegible]

[illegible] [illegible] appellationis [illegible] alias [illegible]
[illegible] revocare [illegible]
[illegible] appellationem [illegible]
[illegible] revocanda [illegible]
[illegible] attemptatorum [illegible] appellationem [illegible]
[illegible] [illegible]

39 Item [illegible] appellat quod [illegible] appellationem [illegible]
[illegible] impetratis appellationibus [illegible] et [illegible]
[illegible] dixit [illegible] diebus [illegible] ultra [illegible]

[illegible] appellationis [illegible]
[illegible] diebus [illegible]
[illegible] appellationis [illegible]
[illegible]

Item praesumptive debita [illegible] presumi debeat [illegible] appellationem [illegible] vel
[illegible] dicit [illegible] nisi [illegible] duobus [illegible] dicunt [illegible] aliquem
[illegible] dicentes [illegible] [illegible] [illegible] dicit [illegible] ~~[illegible]~~ [illegible]
[illegible] [illegible] etc. et [illegible] dicitur [illegible] ad appellandum [illegible]
appellatione [illegible] et [illegible] in [illegible] de appellatione [illegible]
[illegible] statutum [illegible] et [illegible] in [illegible] et in regula [illegible]
[illegible]. Sed [illegible] constitutio [illegible] appellationem [illegible] appellatione [illegible]
[illegible] et [illegible] opponendi [illegible] ad formam [illegible]
[illegible] non obstat quod [illegible] pensionem [illegible] [illegible]
[illegible] [illegible] sibi [illegible] ~~[illegible] duo sibi [illegible]~~
in beneficio quod possidet [illegible] dicit [illegible]
dico sibi [illegible] quod duo [illegible] de [illegible]
de [illegible] in [illegible] et [illegible] appellationem
[illegible] de [illegible]
[illegible] et [illegible] non sufficit [illegible]
nisi [illegible] appellationem [illegible] et [illegible] appellatione [illegible] non [illegible]
[illegible] appellationem [illegible] [illegible]
[illegible] dicit quod [illegible] non [illegible]
[illegible] et dicit quod [illegible] et [illegible]
[illegible] quod [illegible] appellantes [illegible] beneficiale [illegible]
[illegible] appellationem [illegible] ad [illegible] ab
[illegible] [illegible]
[illegible] et [illegible] non [illegible]
[illegible] quod [illegible] ad [illegible]
[illegible] non [illegible] et [illegible]
[illegible] et [illegible] quod [illegible] et [illegible]
[illegible] appellatione in constitutione [illegible] appellat
[illegible] ad [illegible]
[illegible] ad [illegible] constitutum [illegible]
[illegible] [illegible]
[illegible] et si [illegible] [illegible]
[illegible] obiectis [illegible]
[illegible] et de [illegible] [illegible] aliquis
[illegible] non [illegible] ad [illegible]
[illegible] appellant nisi [illegible] et [illegible]
[illegible] appellationem [illegible] ab [illegible]
et [illegible] quod non quod [illegible]

sen confirmando sententiam quam alterius iudex habebat pro parte alterius ipso dicto
dicte appellat [illegible] si adiret ut [illegible] restitutionem [illegible] et
[illegible]

22 Item licet quotiens [illegible] appellationem partis adverse [illegible] facit [illegible]
[illegible] adversam [illegible] ut [illegible] si aliquid [illegible] quam
[illegible] fuit et faciunt [illegible] sibi non [illegible] cum [illegible]
[illegible] que [illegible] possit et [illegible] quod [illegible]
[illegible] protestationem [illegible] cum [illegible] et [illegible] quod [illegible]
[illegible] in [illegible] sequitur [illegible] quod [illegible]
in dicta appellatione fuit [illegible] partis et non fuit [illegible]
[illegible] quod [illegible] si [illegible]
[illegible] si appellat [illegible] si [illegible] quod
[illegible] possit [illegible] et non
[illegible] si [illegible]
et [illegible] et [illegible]

23 Item licet quotiens [illegible] diligentiam [illegible] appellationem
[illegible] adversarii [illegible]
[illegible] quod [illegible] non [illegible]
non [illegible] et [illegible] fuit [illegible] possit [illegible]
[illegible] et [illegible] appellationem [illegible]
considerandum est [illegible] quod [illegible] et [illegible]
et [illegible] verba [illegible]

24 Item si appellans [illegible] assignare appellanti ad [illegible]
[illegible] vigore [illegible]
[illegible] et [illegible] diligentiam [illegible]
[illegible] vigore [illegible]
[illegible] appellatio non fuit [illegible] non
[illegible] et [illegible] et [illegible] appellationem
et [illegible] diligentiam appellantis [illegible] appellationem [illegible]
[illegible] appellationem

25 Item si appellatur [illegible] et [illegible]
[illegible] appellationem [illegible]
[illegible] et [illegible] appellante possit [illegible]
[illegible] appellationem

revocare per auditorem datum in causa appellationis [illegible] gravamine et licet fuit dictum quod
cum dicebatur quod non videtur esset attemptata post appellationem [illegible] attemptatum et [illegible]
quinimmo coram iudice et exhibita coram ipso [illegible] extra de except. dilec-
tis [illegible] ut videtur esset attemptatum post inhibitionem [illegible] iudicis a quo
iudicis de appellatione [illegible] et tunc [illegible] si [illegible] de [illegible]
posset [illegible] nisi de gravamine sibi [illegible] et appellationem [illegible] ut [illegible]
appellati de appellatione et [illegible] fuit [illegible] sibi [illegible]
dicta attemptata videntur [illegible] causam [illegible] quod non habet nisi [illegible]
de appellatione et ut debitum [illegible] appellationem et [illegible]
[illegible] attemptata [illegible] auditorem [illegible]
debitum [illegible]

Item in causa beneficiali introducta in curia per appellationem ut alias litteras 26
per predictum per audientiam et [illegible] absente possessorem
et [illegible] ante [illegible] lite ut saltem [illegible]
obtentis [illegible] actor [illegible] [illegible]
medio causa impetraverat [illegible] gratiam [illegible]
[illegible] competat in beneficio [illegible] litigatur quod [illegible]
[illegible] et [illegible] gratia [illegible]
possessor est [illegible]
gratia impetrata esset [illegible] actor [illegible]
et quod forte et [illegible] forte [illegible]
[illegible] adversaria [illegible]
[illegible] impetrata [illegible] quod [illegible]
[illegible] forte [illegible] gratiam
[illegible] forte [illegible] ut saltem [illegible]
sibi [illegible]
[illegible] ff. [illegible]
et [illegible] de except. [illegible] et ibi [illegible] glo.
[illegible]
[illegible]
[illegible] posset [illegible]
[illegible] litteras [illegible]
sufficiens ad causam [illegible] posset ut impetranti in causa [illegible]
[illegible] est [illegible]
[illegible] gratiam [illegible]
[illegible] impetratam [illegible] et [illegible] ad
[illegible] litteras [illegible] ab [illegible]

usque ad finem [illegible] [illegible] agitur [illegible] [illegible] [illegible] sibi et te-
nebit quod quod fit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] de eo qui
[illegible] [illegible] de app[ellatione] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] possit procedere in
[illegible] qui [illegible] [illegible] [illegible] [illegible] [illegible] absolutoria [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] possit [illegible] in [illegible] qui [illegible] [illegible] [illegible] sufficien-
[illegible] [illegible] [illegible] fieri non debeat esse sufficienter instructus de
[illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] in [illegible] [illegible] [illegible] sibi
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]

27 Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] beneficiali [illegible]
et [illegible] [illegible] sit deserta [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
117 [illegible] [illegible] [illegible] post lapsum fatalium [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sit [illegible] non
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] semel est ad [illegible] [illegible]
[illegible] statuti de elect[ione] li[bro] vi [illegible] [illegible] [illegible] [illegible] et potuit [illegible]
[illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] de app[ellatione] et [illegible] de elect[ione] [illegible]
li[bro] vi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] igitur ambi
[illegible] fuerint [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] deserta [illegible] [illegible]
possit procedere in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] est deserta [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de app[ellatione] [illegible] li[bro] vi et [illegible] [illegible]
de elect[ione] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible]
de app[ellatione] et [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] de
[illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] app[ellatione] et [illegible] [illegible] [illegible] [illegible]
de rigore [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

28 Item [illegible] app[ellan]s [illegible] [illegible] beneficiali post lapsum temporis statuti de elect[ione] li[bro] vi
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] et [illegible] [illegible]
135 [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] statuti [illegible] non [illegible] non [illegible] [illegible] [illegible]

Licet app[ella]tio deserta [illegible] [illegible] [illegible] [illegible] [illegible] app[ellatione] et procedere in [illegible] [illegible] [illegible] [illegible]

Licet app[ellan]s in beneficiali possit procedere [illegible] [illegible] lapsum temporis statuti li[bro] vi de elect[ione] [illegible] et [illegible] [illegible] et [illegible] non sit [illegible] [illegible]

qua vertitur ex causa super ab sicud de iure etiam ubi de dicit et apostolis ipsa
sunt facta quia debet intelligi a lapsu seu lato per assignationem terminum legitime
statutum dispensat quamvis sint facta infra lapsum alia ipsa non possit
procedi per ipsum abbatem tunc non dispensavit abbas quod illius lapsus non valeat procedi
quia potuit aliud abbas invenire quod tunc ad ulteriora cum parte procedat
vel c. 2 de rescriptis quoniam simpliciter quando quod non in [illegible] appellatur quod ipsa
non fuerunt quia vertitur quam in [illegible] constitutionem super hoc repellitur de electione
vel c. [illegible] citatio [illegible] quia alleget citatus et tamen
[illegible] quod per procedi causa c. super de app. Facit etiam magna glossa appellationes
[illegible] dominus appellando datur in sexto in [illegible] quae de
speciali mandato citavit aliquem ut [illegible] comparat in curia [illegible]
[illegible] sine [illegible] ad effectum [illegible] inclusive [illegible]
licet alia ad eum [illegible] citatio [illegible] dominus [illegible]
et dominus ad [illegible] appellans [illegible] quod ad duos [illegible]
et [illegible] comparere et [illegible] quod ad 2 [illegible] dictum sit [illegible]
adsum et [illegible] causa [illegible] per [illegible] citatio
si non compareat [illegible] legitime et [illegible] in c. cum dilecta de do. et [illegible]
[illegible] causa et [illegible] citatio [illegible] et in c. [illegible]
de elect. lib. vi.

364 Item fuit dubitatum si appellatur ad effectum [illegible] quae est [illegible] et de
[illegible] appellatio possit et debeat [illegible] super de [illegible] appellationes et [illegible]
aliquibus [illegible] quod non [illegible] sicud non [illegible] quae est [illegible] appellatio
[illegible] et c. a. ista ut [illegible]
[illegible] de off. dele. [illegible] de app. [illegible]
quod [illegible] appellatio [illegible] potest [illegible] ad curiam [illegible]
appellans [illegible] de [illegible] c. [illegible]
ut [illegible] de app. [illegible] c. [illegible] libro [illegible]
quae et [illegible] c. [illegible] libro [illegible] per appellationem ad curiam citabatur
[illegible] ab appellatione [illegible] in dicto [illegible]
[illegible] et in c. [illegible] per appellationem [illegible] ad curiam [illegible]
[illegible] appellationem [illegible] et citationes [illegible] per appellationem non [illegible]
[illegible] appellationem [illegible] et in [illegible] c. [illegible]
et c. [illegible] et c. [illegible] in [illegible] appellationis potest
appellans [illegible] appellant [illegible] dictus
de app. quod [illegible] non potest si [illegible]
maior [illegible] appellationes quod et [illegible]
de [illegible] et [illegible] in [illegible]
et [illegible] si appellationem de app. [illegible] et ultima glosa

v. [illegible]

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~~[illegible]~~ 40

Item licet fieri quamvis sit adversarius ... [illegible] alique parte appellatam appellare quod ... et non ... causa electionis ... et ... [illegible]

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... que sunt ... dicitur alique ... et ... [illegible] appellationis ... judicatum ... valeant et teneat ... attemptati ... [illegible] ... et ... statim lapsis ... dicebatur judex non tenebatur plus ... et debebat ad ... [illegible] ... consultationem ... significantur ... et sic dicebat ... non ... appellationis ... intelligendum ... dicebat ... [illegible] ... non ... ad appellandum ... [illegible] ... et ... non ... [illegible] ... ad ... appellationis ... officio judicis ... [illegible]

~~[illegible]~~ 41

Item si auditor ... appellationem ... auditor camere ... causa appellationis ... non potest se intromittere ... [illegible] ... judex ... [illegible]

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... causa ... appellationem ... [illegible] ... potest ... auditor camere se intromittere ... auditor ... causa ... appellationem ... auditor camere ... causa ... appellationem ... non potest ... auditor ... [illegible]

42 Item si committatur causa ... [illegible] ... causa ... auditor ... [illegible]

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... [illegible] ... jurisdictionem ... appellationis ... [illegible] ... auditor ... [illegible] ... judex ... causa ... [illegible] ... appellationis ... auditor ... [illegible] ... causa ... [illegible]

Valet attemptata ... judicem ... appellationis ... [illegible]

Auditor camere non potest se intromittere ... causa appellationis ... [illegible]

Causa ... auditorem ... [illegible]

Auditor ... [illegible]

iurisdictio ut est rector sed ipse compromissum annullandum de iure certum et c. ad audientiam eum eliminans. Tamen quia ista remissio sive facta primum auditorum intelligitur sive collegii quia si ille causam remittebatur iurisdictionem largiorem concessionis sibi competere habebit sed quia sibi videbatur sic hoc est quod tamen licet ut facto primum auditorem remittens largiorem concessionem habere quam ipse habebat quoniam eadem causa ad ipsos ad quos remittebat quod debebat quia primus iurisdictionem quam habebat esse abdicavit et c. alium tuisse de sive licentia superioris non potuit ut c. pastoralis de off. dele. et c. super quaestionem de intitulatione de off. dele. et de rescr. prae. c. audita ut constat quod ius non erat ad in c. eo app. et c. intimasti et c. licet quod prodest quod causa tuisset ex delictum relatum sive remissionem ad examen superioris puta papae tunc de talibus de ipsis rescriptis sive remittens auditorem si de certo intromittere potest nisi superioris sibi eadem causa remittere ut c. deo c. eo app. nisi sibi licet. Et si potest supremum papae causam definitis et tunc remittet quod contra delegatus esset iudex remittit ut ibi multo in talibus ad papam auditorem quod fuit utrumque ut ita lata parte habebat in causis poterat et debebat causam remitti primo auditori sibi et non superiori quod per talem remissionem non desinit esse iudex quod sicut iurisdictionem quam habebat abdicare non potest remittendo alteri auditori sed hic remittendo ad collegium ad cautelam dum non ipse quia hoc est remitti ad causam sive consistorium apud summos. Licet causam iurisdictionem suspendit ista totaliter superiorem superioris tunc per suspensionem ab excommunicatione ex quo non se opponebant in c. ut debitum de app.

Item si ab appellatione ut ab cuiuslibet interlocutoria lata et facta per ipsum puta quia per viam volunt videre libello offeretur et auditor fuit per iudex appellationem habeatur et per appellationem primus iudex prodit totus processus non est validus sive nullus per si c. non solvit et c. Roma § si non de app. li. vi. Non obstat quod sola interlocutoria videatur alius et principalis titulus annulatur quia hoc est quia ipsa interlocutoria est super obiectione et exceptionem negotio quia habebat quia nolunt videre libello ut latius ipse in ca. praeterea et si interlocutoria vel expedienda gravamen sit toto erat suspensa causam iurisdictio et c. ad hoc licet de app. Ceterum licet si fuisset et terminis esset et defectu esset causae tunc eum licet esse appellatum in lata non esset hic retractatur processibus alia de app. c. super eo et c. ad hoc.

Item licet in causa beneficiali interlocutoria cum aliquis praesumpserit appellare puta a gravamine et processibus sicut appellans habet apud suum terminum et ipse post et cum appellatum intellexerit post sive gravamen per praedictum

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aliq facit et ad attemptat [illegible] appellacionem possessionem absque [illegible] vel alicui
recipiendo fructus et alia iura beneficii sui [illegible] [illegible] [illegible] dicto
[illegible] non fuit [illegible] attemptati revocanda [illegible] ad omnia [illegible]
et detur de veritate cause appellacionis [illegible] que appella[illegible] ad [illegible] [illegible] [illegible]
non est [illegible] attemptatis [illegible] appellacionem [illegible] [illegible] [illegible] appellacionis
de app. [illegible] [illegible] [illegible] illa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
de app. non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et appellacionem et [illegible] non [illegible] sed totum quod facit [illegible]
ad [illegible] et [illegible] iuris [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] vel [illegible] appellacione et [illegible]
iuris sui vel [illegible] sui [illegible] [illegible] [illegible] vel appellacionem [illegible] [illegible]
[illegible] quia [illegible] [illegible] et non [illegible] de [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible]
de causa. [illegible] qui fuit [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
facit [illegible] quia [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] et [illegible] [illegible] ecclesia
[illegible] [illegible] [illegible] [illegible] appellacionis [illegible] [illegible] [illegible] [illegible] [illegible]
de app. [illegible] appellacionibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ab appellacionibus
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] appellacionibus [illegible]
[illegible] ad [illegible] obtulisset [illegible] [illegible] et [illegible] [illegible] de app. [illegible]
[illegible] et [illegible] fuit [illegible] de appellacionibus [illegible] et non [illegible]
[illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de attemptatis
[illegible] [illegible] [illegible] super [illegible] appellacione [illegible] si causa appellacionis esset
[illegible] alium auditorem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] de app. et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
dicamus et intelligamus loqui [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] non fuit [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] kathedralium et regularium ecclesiarum [illegible] quod [illegible] [illegible]
et [illegible] appellacionem vel [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
sit [illegible] [illegible] non [illegible] ecclesiarum [illegible] [illegible] [illegible] non et [illegible]
[illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] sed non ita [illegible] [illegible]
[illegible] ~~[illegible]~~ [illegible] quod [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible]

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44 [illegible] si tres sunt delegati [illegible] [illegible] [illegible] [illegible] si non [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] aliqui
[illegible] [illegible] [illegible] et si [illegible] [illegible] [illegible] ad [illegible] dubitabile [illegible]
qui [illegible] [illegible] [illegible] [illegible] [illegible] appellacionis et [illegible] [illegible] dubitandi fuit

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] appellacionis [illegible]
[illegible] alium [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et
[illegible] de app. [illegible]
[illegible] de [illegible] [illegible]

si delegatus d'offi deli . i. f. ypt [illegible] debeat ubi pratus qui [illegible]
[illegible] de [illegible] et facere d'app oblati et no d' [illegible] [illegible] va
debeat [illegible] et [illegible] in deo c. si delegatus in glo si ipsi [illegible]
ar volebat [illegible] [illegible] [illegible] appellatio valet et [illegible]
[illegible] et si [illegible] no esset [illegible] [illegible] ab illo quo [illegible] esset
[illegible] [illegible] allega. et no [illegible] et [illegible] in c. [illegible]
intelligit [illegible] [illegible] judicialiter ad quos no [illegible] appellatio [illegible]
medio [illegible] in [illegible] [illegible] et no in c. [illegible] in d'app. et [illegible]
[illegible] et [illegible] in [illegible] qui tenet et [illegible] app. [illegible] obmisso medio in [illegible]

dicitur — In tantum [illegible] dicitur si delegatus et tenebat [illegible] si no [illegible]
[illegible] alle no [illegible] in c. [illegible] Bartholomei de [illegible] in glo [illegible]
et [illegible] in [illegible] qui [illegible] [illegible] no adamos et in
[illegible] [illegible] et [illegible] c. si delegatus intelligeretur
de [illegible] judice delegato [illegible] delegantis [illegible] et no collegi [illegible]
[illegible] in duobus vel tribus delegatis [illegible] quibus [illegible] alys
[illegible] collegi [illegible] [illegible] [illegible] [illegible] qui alios no
[illegible] d' [illegible] et altius c. [illegible] et c. a. [illegible] in [illegible] [illegible] formant
[illegible] [illegible] in c. [illegible] in [illegible] et de [illegible] [illegible]
[illegible] [illegible] [illegible] et vide [illegible]

[illegible] — [illegible] [illegible] et [illegible] [illegible] [illegible] delegantis — [illegible]
aliqui [illegible] qui [illegible] de offi deli [illegible] [illegible] et c. [illegible]
[illegible] — [illegible] c. te.

133 — Item si per [illegible] judicis appellationis [illegible] appellatio [illegible] 76
[illegible] est et nullus [illegible] si [illegible] app. per appellationem [illegible]
[illegible] et [illegible] qui [illegible] no [illegible] d' [illegible]
[illegible] per [illegible] judicis [illegible] per [illegible] appellationem sit nullus [illegible]
sub [illegible] de [illegible] [illegible] de [illegible]
[illegible] et c. [illegible] de app. [illegible] et c. [illegible] et c. [illegible]
[illegible] in [illegible] habetur [illegible] [illegible]
[illegible] et c. [illegible] in [illegible] appellationem [illegible]
[illegible] [illegible] post appellationem [illegible] de [illegible] per [illegible]
[illegible] in c. [illegible] et c. [illegible] in [illegible] de app. [illegible] alia
[illegible] de [illegible] [illegible] ad [illegible]
[illegible] de [illegible] et c. [illegible] in [illegible] ubi qui de [illegible]
[illegible] si [illegible] et c. si c. et c. [illegible] in

[illegible] judicis [illegible] appellationem [illegible] ad [illegible] [illegible]

Item si appellatur [illegible] et auditor [illegible] appellationem et [illegible] 78

[illegible]
[illegible] auditor qui [illegible] [illegible] [illegible] [illegible]

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questio p[ro]rogat t[er]m[inu]m q[uod] d[icitu]r ad p[ro]sequend[um] appellacionem fuit dubitatum doctores valent
tenuit tunc p[re]fixis t[er]m[in]o c[ontra] quem. doctor iudex ip[s]e d[e]buit appellacionem p[ro]rogat
ad p[ro]sequend[um] t[er]m[inu]m statuere quem quando q[uod] s[ecundu]m [illegible] p[er] illo [illegible]
[illegible] appellacione [illegible] de app[ellacionibus] li[ber] vi et dicit aliquis doctor q[uod]
[illegible] tenere q[uod] [illegible] p[ro]bacionem [illegible] [illegible]
[illegible] transsumpte c[apitulo] de app[ellacionibus] [illegible] q[uod] [illegible] est app[ellacio]
[illegible] statum [illegible] c[apitulo] de app[ellacionibus] [illegible] et [illegible] opinionem [illegible]
[illegible] c[apitulo] de app[ellacionibus] [illegible] loco [illegible] tenerent [illegible]
[illegible] tenere [illegible] app[ellacio] [illegible] c[ontra] [illegible]
fuit app[ellatu]m et ~~[illegible]~~ [illegible] appellacionem [illegible] de app[ellacionibus] li[ber] vi et ibi [illegible]
[illegible] tene[re] [illegible] et [illegible] [illegible] [illegible]
[illegible] glosator [illegible] c[ontra] [illegible] [illegible]
[illegible] in [illegible] glo[sa] ubi [illegible] glo[sa] [illegible] et [illegible] de app[ellacionibus] [illegible] facit
nam ubi [illegible] loquens de app[ellacionibus] [illegible] [illegible] [illegible] [illegible]
[illegible] c[ontra] [illegible] [illegible] ~~de app[ellacionibus]~~ [illegible] de app[ellacionibus] ubi [illegible]
[illegible] [illegible] et t[er]m[in]i p[re]fixio fuit actus iudicialis et [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] [illegible] appellantem [illegible] [illegible] et [illegible] appell[ationem]
[illegible] et [illegible] appellacio ut requiritur [illegible] [illegible] que [illegible]
[illegible] si essent actus iudiciales [illegible] [illegible] [illegible]
de [illegible] et ubi [illegible] ~~[illegible]~~ [illegible] [illegible] et [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] et ego [illegible]
doctorum allegatas [illegible] [illegible] distinguendo [illegible] opiniones
[illegible] aut iudex [illegible] statum [illegible] t[er]m[inu]m app[ellan]ti ad p[ro]sequend[um] et
[illegible] [illegible] iudex [illegible] appellacionem [illegible] t[er]m[inu]m p[ro]rogat
et [illegible] [illegible] c[ontra] [illegible] et c[ontra] [illegible] [illegible] aut [illegible]
p[ro]rogat t[er]m[inu]m et [illegible] et [illegible] [illegible] opinionem [illegible]

79 [illegible] fuit dubitatum si app[ellan]ti ad [illegible] et [illegible] auditor de [illegible] et t[er]m[inu]m
p[ro]rogat ad p[ro]sequend[um] [illegible] app[ellan]tes porrigat Cancellarie [illegible] cedula [illegible]
[illegible] app[ellacio] [illegible] si iudex appellacionem [illegible] t[er]m[inu]m [illegible]
[illegible] p[ro]rogat ad p[ro]sequend[um] [illegible] que [illegible] app[ellan]tes [illegible]
[illegible] [illegible] [illegible] alia [illegible] sufficit sibi [illegible]
[illegible] app[ellacio] [illegible] [illegible] [illegible] solo [illegible]
[illegible] iudex [illegible] appellacionem [illegible] [illegible]
de app[ellacionibus] [illegible] statutus [illegible] de app[ellacionibus] [illegible] et c[ontra] [illegible]
[illegible] [illegible] [illegible] appellacionem [illegible]
[illegible] [illegible]

[illegible] [illegible] [illegible] appellacionem [illegible] [illegible] [illegible] [illegible] [illegible]

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[illegible] d'app. [illegible] et [illegible]
[illegible] potuit [illegible] sibi ad [illegible]
[illegible]
[illegible] diligentia [illegible]
[illegible] t(er)mi(n)o [illegible]
[illegible] appellatio [illegible] app[ellationis] [illegible]
[illegible] et non debuit [illegible] reputabi(tu)r
[illegible] app[ellati]o [illegible] appellatio petiti
[illegible] appellatio [illegible] casu si fuerit petiti et [illegible] ad [illegible]
et [illegible] appellatio [illegible] potuit
vel debuit fieri [illegible] iudice [illegible] officium [illegible]
d'app. [illegible] 2o casu si non fuerit petiti [illegible] reputabitur ad
[illegible] appellatio [illegible] potuit fieri [illegible]
[illegible] ad dissolvendum [illegible]
[illegible] abiurandi [illegible]
ad [illegible] et [illegible] oblatio d'app. [illegible]
[illegible] sibi [illegible] non potuit [illegible]
[illegible] sibi [illegible] casu [illegible]
[illegible]
[illegible] ad [illegible]
esset [illegible]
[illegible] non debuit et quod potuit et debuit [illegible] reputatur
[illegible] d'app. [illegible]
[illegible] sibi [illegible]
[illegible] diligentia [illegible]
[illegible] app[ellati]o [illegible] iudicis [illegible]
[illegible] d'app[ellati]o[n]e
[illegible] diligentiam [illegible]
[illegible] potuit [illegible]
et [illegible] et [illegible]
[illegible] debuisset diligentia [illegible] sibi [illegible]
alium auditorem [illegible] d'[illegible] et [illegible]
[illegible] et quod potuit [illegible] et quod debuit [illegible]
[illegible]

x3 Item quod iudex [illegible] 60

[illegible] [illegible] videtur et [illegible] abdicare et [illegible] transferre
in [illegible] [illegible] [illegible] [illegible] et in eadem causa [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] causa [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] app [illegible] & app. [illegible]

61 Item si iudex [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] appellos
a [illegible] et absolutione [illegible] valebit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] app. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] app [illegible] [illegible] et [illegible] videtur [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] glo. [illegible] [illegible] glosa [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] d app. et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] data absolutione
et a [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
et in dictis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] attemptatum
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] d app. [illegible]
attemptatum [illegible] [illegible] [illegible] ad [illegible] appellos [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in primo casu [illegible] [illegible] [illegible] processus [illegible] [illegible]
appellos [illegible] [illegible] casu [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
casu [illegible] [illegible] processus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] disputata

Item si appellatur [illegible] et [illegible] [illegible] appellos [illegible] [illegible] [illegible]
62 si [illegible] iudex [illegible] [illegible] [illegible] [illegible] appellationem et [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] valebit et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] d app. [illegible] et [illegible] [illegible] [illegible] [illegible] appellos [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et iudici [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] ad [illegible] [illegible] si gravamen [illegible] [illegible] [illegible] [illegible] [illegible]
instans [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellationem [illegible] [illegible]
[illegible] appellos [illegible] [illegible] & app [illegible] app. [illegible] [illegible] [illegible] [illegible] [illegible]
appellos [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
iudex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et in [illegible] [illegible] app [illegible]
et d app. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

per app. et cetera de app. [illegible] de [illegible]

Item quod xxx dies ad dandum apostolos currunt a tempore appellationis interposite et non a tempore [illegible] [illegible] sententie [illegible] [illegible] de app. [illegible] et [illegible] [illegible] de app. [illegible] et [illegible] de app. [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] de app. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de app. [illegible] [illegible] [illegible] — 63

Rubrica attemptatorum

Item si attemptata lite pendente [illegible] revocari [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] revocationem attemptatorum [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de app. [illegible] [illegible] et de app. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de app. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] — 65

Item quod attemptata lite pendente [illegible] [illegible] revocari [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] revocanda [illegible] [illegible] et [illegible] [illegible] [illegible] de app. [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] revocationem attemptatorum [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] — 66

Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] attemptata lite pendente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] revocatio [illegible] attemptatorum [illegible] [illegible] [illegible] lite pendente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] et [illegible] [illegible] [illegible] [illegible] — 67

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Item quod ad revocationem attemptatorum [illegible] [illegible] [illegible] [illegible]

68 Item quod attemptata pendente etiam post appellationem pendentem suspensionem ad notificationem [illegible] factam non valeat [illegible] attemptati a [illegible] [illegible] [illegible] et [illegible] temeritate [illegible] [illegible] [illegible] et littere [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] obstat [illegible] [illegible] [illegible] de appellatione ubi dicit [illegible] quod [illegible] [illegible] judices a quibus appellatur [illegible] ad notificationem [illegible] [illegible] ita [illegible] [illegible] judices a quo appellatur [illegible] [illegible] [illegible] appellationis [illegible] [illegible] [illegible] [illegible] [illegible] modesta et intelligi [illegible] [illegible] appellatione [illegible] judici [illegible] [illegible] creditur [illegible] [illegible] ad [illegible] [illegible] [illegible] quod [illegible] sufficiat quo ad innovationem attemptatorum [illegible] [illegible] oportebat appellantem [illegible] [illegible] [illegible] probabili appellasse et [illegible] appellantem [illegible] et [illegible] vel saltem [illegible] [illegible] coram judice a quo appellavit et obtulisse ad probandum et non admississe [illegible] de appellatione [illegible] [illegible] et [illegible] [illegible] [illegible] appellationis quo ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] de appellatione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

69 Item quod attemptata aliqua pendente lite [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] qui [illegible] [illegible] debet [illegible] [illegible] [illegible] [illegible] temeritatis et male fidei possessor esse [illegible]

70 Item [illegible] [illegible] attemptata lite pendente sufficit probare quod fuit in possessione [illegible] est lite pendente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] illa attemptata [illegible] libello [illegible] et [illegible] suo officio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de appellatione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] lite pendente [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

71 Item quod ad innovationem attemptatorum post appellationem interpositam [illegible] sufficiat probare [illegible] [illegible] appellati [illegible] appellationis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de appellatione

Incipit Rubrica de [illegible]

99

Item quod omnes domini concordaverunt [illegible] quod cum quilibet [illegible] quod sola veritate ipsa [illegible] quod vigore [illegible] sit [illegible] de [illegible] partium [illegible] non obstante [illegible] possit in [illegible] et universaliter [illegible] [illegible] de [illegible] [illegible] et [illegible] aliquid [illegible] de [illegible] et [illegible] et [illegible] [illegible] ad [illegible] [illegible] ad [illegible] de [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] debet [illegible] [illegible] 12

138 Item sicut [illegible] quod [illegible] omnes [illegible] pro debiti [illegible] octo dies [illegible] et non [illegible] ita quod in octo diebus [illegible] et [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] antiquorum [illegible] et [illegible] et [illegible] 13

189 Item quod si auditor datus qui [illegible] aliquem [illegible] debitum [illegible] de [illegible] auditor de appellatione sit [illegible] compositio in [illegible] [illegible] [illegible] in libello non [illegible] de iure [illegible] [illegible] de officio [illegible] non [illegible] quam [illegible] super attestationum ad [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] et [illegible] [illegible] et [illegible] compositio [illegible] [illegible] 14

191 Item quod auditor qui tulit sententiam diffinitivam [illegible] appellationem [illegible] [illegible] et [illegible] potest [illegible] ut de [illegible] sibi [illegible] sibi de [illegible] appellationis [illegible] de illa sit cognoscere quod [illegible] est [illegible] et quod de iure [illegible] iudex qui tulit sententiam [illegible] si [illegible] non est [illegible] [illegible] ut [illegible] statutum sit et [illegible] de appellatione [illegible] [illegible] et officio [illegible] pastoralis

193 Item quod iudex appellationis [illegible] sit [illegible] et testes [illegible] [illegible] et [illegible] non [illegible] qui [illegible] et [illegible] attestationes sic recepte coram [illegible] a quo est appellatum [illegible] sententiam [illegible] est [illegible] 15

156 Item quod auditor datus in causa appellationis a diffinitiva sententia [illegible] de [illegible] appellationis sit de illa [illegible] alia nova [illegible] cognoscere quia iudex est [illegible] in [illegible] sit [illegible] de [illegible] et officio [illegible] [illegible] [illegible] de appellatione [illegible] et ubi testes ad [illegible] [illegible] ad quod [illegible] 16

Et si in aliquo ff [illegible] in eis [illegible] causa [illegible] solvunt [illegible] in medio dependenti et tempore et [illegible] est [illegible] causas [illegible] tamen [illegible] aliter [illegible] causa est [illegible] appellatio [illegible] cogn. c. i. et c. [illegible] est [illegible] judicium [illegible] et [illegible] quibus judex [illegible] dubitatur [illegible] ad [illegible] inducta [illegible]

11 Item si appellatur a denegatione confirmationis vel cassatione electionis ad curiam et auditor cui committitur [illegible] appellationis [illegible] cassationem vel [illegible] electionem esse [illegible] electionem [illegible] quia [illegible] auditor [illegible] in quibus est [illegible] quia in aliis [illegible] est et c. [illegible] et c. [illegible] et c. [illegible] et in [illegible] auditor [illegible] super [illegible]

18 Item auditor [illegible] diffinitive [illegible] et [illegible] in [illegible] petitis [illegible] in libello si actor [illegible] ab [illegible] appellat [illegible] appellationis [illegible] et [illegible] causa [illegible] appellatio [illegible] et [illegible] super quo [illegible] erat [illegible] quod non tenuit [illegible] et [illegible] non erat [illegible] in libello et [illegible] judex [illegible] libello [illegible] forma libelli [illegible] et [illegible] quod non [illegible] in libello [illegible] quod [illegible] judex et non [illegible] et in [illegible] et [illegible] et in [illegible] appellationis [illegible] judex [illegible] vel non [illegible] et [illegible] appellationis [illegible] judex [illegible] appellationis [illegible] et [illegible] appellat [illegible] appellationis [illegible] appellat [illegible] appellationis [illegible] appellationis [illegible] et [illegible] appellationis [illegible] appellat [illegible] appellationis [illegible]

pro eo quod iudex non aduidetur sibi compet[...] ut quod aduidetur sufficiat
et [illegible] alle[gat] l. cum honore et no. [illegible] de oppos[itione] [illegible] postremo de alud
quod [illegible] non [illegible] non applat et [illegible] applat potest ut ipse no [illegible]
[illegible] quod si [illegible] [illegible] [illegible] applat te
[illegible] applationi [illegible] et [illegible] alia [illegible]
[illegible] et [illegible] potest [illegible] applatus [illegible]
[illegible] frustratorie te ipse applet [illegible] applatus [illegible]
[illegible] potest et [illegible] applationi oblat et [illegible] iudex
qui [illegible] ut in l. cum honore [illegible] ubi [illegible] non applet [illegible]
ipse [illegible] applat non possit [illegible]
[illegible]
[illegible]
[illegible] conclusio [illegible]
[illegible]
[illegible]

Item dubitatur [illegible] 19
auditor [illegible] et [illegible] non [illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
iudex [illegible]
in ordinario [illegible]
et [illegible]
male iudicavit [illegible] est officio [illegible]
[illegible]
de offi. dele. [illegible] et [illegible]
[illegible] ordinarii de offi. dele. [illegible]
[illegible] iudex [illegible]
[illegible]
[illegible]
quod delegatus [illegible] ordinario [illegible]
[illegible] de offi. dele.
[illegible] de app. [illegible]
[illegible] quod [illegible]
te de oppos. [illegible]
[illegible]

all. ff. de re iud. [illegible] per [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible]
[illegible]
[illegible] [illegible] remittit ad nos [illegible]
[illegible] et remittit [illegible]
[illegible] Bertholdus [illegible] et ad [illegible]
[illegible] et nos et [illegible]
[illegible]
[illegible] auditor qui [illegible]
[illegible]
[illegible]
[illegible] iudicavit [illegible]
[illegible]
[illegible] auditor [illegible]
[illegible]
[illegible]
[illegible] auditor [illegible]
[illegible]
[illegible]
[illegible] Bertholdus [illegible]
[illegible]
[illegible]
[illegible] error [illegible] et error
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]

80 [illegible] auditor [illegible]
[illegible]
[illegible]
[illegible]
[illegible] auditor [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

345

Citatio nulla et cetera processus per nullitate[m] nullas reddit

[illegible]

262 [illegible] 81

[illegible]

[illegible]

381 [illegible] 83

82

[illegible]

48

sine speciali mandato cum liberum sit alium substituere procuratorem ut ar. ff. de pro.
Et qui habet ex causa super hoc speciale mandatum illud habet potestatem ut ar. supra
de officio delegati ab ordinario ad beneficium eandem causam per committere
alii beneficium pro nisi hoc spe. cum sua commissione permittat ut no. Jo. an.
de offi. dele. c. Et qui cum nisi habet vide an videtur ad. de vicario
generali quoniam super hoc habet ab episcopo speciale mandatum item videtur quod hoc totum
propter totius clausulis ut ff. de offi. vica. li. vi. De vicario vicarii conferendo
nec confertur conferendi lig. eius conferendo possideat. Ceterum dominus vicarius
qui contulisset beneficium pro absente sine absolutione liber ut dictum est ar. et
cum teneret qui lex vi quod vicarius episcopi alium vicarium generalem dare non potest
circa de offi. vica. et ibi no. et ff. ad instituendum per pena glo. Host.
gloss. et Host. qui ut dicit in c. de offi. vica. li. vi. vicarius episcopi
posse instituere et ad tempus cum de offi. episcopi committere beneficium pro
quod ut supra non absolvit per penam se retinet aliquid sibi et idem
episcopi dicit ad committendum quod sibi habeat committi quod tenerentur propria
non faciat per episcopum ad committere potuit quia quod mittitur cum effectu
non effectu sicut in canone est suis locis et c. ut de appellatione dominus episcopus
statuit quod nullus quod li. vi. et per de offi. et appellatione dicit quod
aliquis ut dictum dicebat vicarius commissionem episcopi ut quod vicarius suus
possit dare alium vicarium non sine suo tenore ad. vicarius quod vicarius
episcopi ordinarii habere ut in c. sicut de appellatione li. vi. et de offi. ord. c.
in c. ut c. aliquis quod nullus dare episcopo pro se procuratorem ad hoc ad vicarius
ut episcopi conferendo sicut h. c. et no. Jo. an. et arc. quod c. i. appendix et
et Jo. et Host. de offi. ordi. cum ab ecclesiis et ipse de offi. ordi. c. i.
Modo sit aut dicamus secundum predictam vicarium de potestate absentis episcopi
sine absolutione et concordat secundum aut contrario cum quod dicunt cum
se. non dicamus eum sine absolutione juxta commissionem episcopi illud absolvi
possit quamvis superiorem episcopum principi non per se facere ordinarium ut no. episcopi
bene. cum episcopo nisi conferendo quod habeat ut in c. in no. glo. beneficium pro
quod predicta commissio tenet cum robur firmitatis habet facta ab illo
qui auctoritatem super hoc habent predicta de offi. dele. cum super et c. super quo
et c. licet et c. si. Nisi volumus dicere quod sicut vicarius episcopi habet
ordinariam ab ecclesia et vicarius vicarii quod possit substituere cum tamen super
predicta quod Host. et nullus alius qui ut in dicta decre. in no. gl.
beneficium pro dicit quod in duobus casibus episcopi dat jurisdictionem ordinariam
primo vicario officiali etc. cum generaliter beneficium pro committit et c.
si alio nomine appellatur ut vicarius et vicarius ut cum de bene.

pro commissione de [illegible] et [illegible] ad annum vel ad plures
plures vel plura [illegible] ordinarius [illegible] vel [illegible] vel
[illegible] de [illegible] et [illegible] ad annum vel plures vel plura [illegible] vel [illegible]
vel [illegible] alia [illegible] de offi. ordinarius [illegible]
vel [illegible]
[illegible] vel [illegible] vel [illegible]
[illegible] ordinarius [illegible]
[illegible] de offi. [illegible] li. vi [illegible] ad [illegible]

383 Item licet officialis generalis episcopi committat [illegible] aliquam [illegible] 85
[illegible] a [illegible] delegatis officialis [illegible]
[illegible] appellatur [illegible]
li. vi. [illegible] appellatur [illegible] appellare [illegible]
[illegible] de app. et [illegible] officialis episcopi [illegible] totaliter [illegible]
[illegible] iudex ordinarius [illegible]
[illegible] ad [illegible] episcopi
de app. [illegible] li. vi. [illegible] posset appellare
ad [illegible] delegatis [illegible] officialis de app. [illegible]
[illegible] de offi. [illegible]
li. vi [illegible] appellatur [illegible]
delegationem vel [illegible] de app. [illegible]
[illegible] si delegatus de offi. dele. li. vi [illegible] tenet [illegible]
[illegible] vide [illegible]

282 Item si [illegible] vel officialis alicuius episcopi vel alterius prelati delinquat 84
in officio sibi commisso [illegible] ff. de [illegible] si [illegible]
[illegible] purgant [illegible]
l. si et l. [illegible] et [illegible]
[illegible] i. glo. [illegible]
[illegible] li. vi et [illegible]
[illegible] li. vi

68 Item [illegible] episcopo [illegible] de offi. vica. [illegible] officialis episcopi [illegible] 86
[illegible] ordinarius
[illegible]
[illegible] officialis et si [illegible]
[illegible] de offi. [illegible]

383 Item si iudex delegatus [illegible] in uno loco procedit in alio et citat 87

49

[illegible] qui [illegible] [illegible] [illegible] et [illegible] [illegible] et testes [illegible] [illegible] sunt dubi[illegible]
[illegible] habent [illegible] sit [illegible] loco deputatu[m] [illegible] Causa dubitandi
sunt [illegible] [illegible] in multis [illegible] [illegible] statutum [illegible] [illegible] [illegible]
[illegible] titulo [illegible] cognitione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] &
[illegible] [illegible] ad illud accessit [illegible] [illegible] [illegible] [illegible] [illegible]
partes voluntate et [illegible] [illegible] [illegible] iudice [illegible] [illegible] loco [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] plus [illegible] [illegible] que [illegible] [illegible]
[illegible] [illegible] grauius [illegible] [illegible] delicta et [illegible] que sunt [illegible] [illegible] [illegible]
[illegible] ibi [illegible] [illegible] [illegible] in glo[ssa] [illegible] [illegible] que [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sufficit tacite [illegible]
sed [illegible] [illegible] et [illegible] in multis [illegible] [illegible] [illegible] ubi [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] dicunt [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
tacitus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] loco sed in loco
[illegible] [illegible] [illegible] habeat [illegible] [illegible] [illegible] [illegible] [illegible] ubi [illegible]
[illegible] [illegible] sufficienter [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ambarum [illegible] facit [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] partibus et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
sufficit tacitus [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
facit [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] requiritur
[illegible] [illegible] in [illegible] [illegible] in multis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in regula [illegible] [illegible] qui tacet [illegible] [illegible] [illegible]
~~[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]~~ [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ubi [illegible] [illegible] requiritur [illegible] [illegible]
[illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] regula [illegible] [illegible]
differentia [illegible] magna est [illegible] tacitam [illegible] et [illegible] &
[illegible] regula [illegible] [illegible] et ibi [illegible] [illegible] magna [illegible] in [illegible] [illegible]
facit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] magna [illegible] [illegible] [illegible] tacita [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] et [illegible]
[illegible] [illegible] et ibi [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ubi [illegible] sufficit tacita et [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] plus sit [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ut in [illegible] [illegible] ut [illegible] [illegible] [illegible]

cohibitione et accusationem de app[ellatione] ha[b]etur in dicto ca[pitulo] cum dilectus [illegible] de [illegible]
eius adversarius in [illegible] probet alii specialiter intellectam dicta c[apitulo]
de quorumdam l[ege] in intelligendum sit de appellatione judiciali et non extrajudiciali
[illegible] contra [illegible] q[uod] non est per dicti [illegible] qui judex judicialis procedat
et pro tribunali sedet de off[icio] ord[inarii] cum ergo [illegible] et si l[ege] cum qui
ergo [illegible] c[apitulo] et [illegible] loci q[uo]d [illegible] appellacionem
judiciali vel extrajudiciali sunt intelligenda [illegible] Rom[ana] [illegible] et
ab[solute] [illegible] cum [illegible] est [illegible] et [illegible] de app[ellatione] l[ege] in q[ua] loquentur tam
in judiciali q[uam] extrajudiciali appellacione a judice ordinario vel delegato interposita
n[on] [illegible] qui off[icialis] [illegible] ordinarium [illegible] saltem habitum [illegible]
pro tribunali sedet [illegible] et [illegible] dubium [illegible] fuit [illegible] debeatur
[illegible] [illegible] deliberare et [illegible] dubium [illegible] quod [illegible] [illegible]
[illegible] litigantes [illegible] tacite prorogare jurisdictionem [illegible] alii [illegible] et
in [illegible] tacitus [illegible] [illegible] et quod [illegible] q[uod] non [illegible]
[illegible] est q[uod] [illegible] non potest jurisdictionem aliquam in aliena diocesi
[illegible] ut [illegible] in [illegible] et [illegible] et [illegible] q[ui] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible]
in [illegible] [illegible] [illegible] de off[icio] ord[inarii] cum [illegible] [illegible]
in [illegible] de [illegible] [illegible] [illegible] [illegible] non [illegible]
[illegible] de [illegible] [illegible] l[ege] in cum [illegible] [illegible] [illegible]
non [illegible] [illegible] [illegible] vel [illegible] [illegible] [illegible] in [illegible]
[illegible] de [illegible] statuimus l[ege] in [illegible] [illegible] in [illegible] tantum q[uod] possit
fieri prorogacio de loco ad locum [illegible] in casibus in [illegible] [illegible] [illegible]
non est [illegible] [illegible] [illegible] de [illegible] [illegible] l[ege] [illegible] prorogacio
que [illegible] [illegible] [illegible] extraordinarium [illegible] [illegible] et non [illegible]
[illegible] ff de [illegible] omnium [illegible] l[ege] si [illegible] et ff de [illegible] et
et no[ta] de off[icio] [illegible] et [illegible] [illegible] ubi [illegible] loquuntur de
prorogatione rei ad [illegible] ad [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] intelligerentur in prorogacione loci ad locum
[illegible] in [illegible] [illegible] l[ege] [illegible] de [illegible] [illegible] l[ege] si de [illegible]
de [illegible] et [illegible] [illegible] [illegible] q[uod] [illegible] ordinalis possit [illegible]
et [illegible] in [illegible] [illegible] vel [illegible] [illegible] nisi [illegible] q[uod]
licet [illegible] [illegible] [illegible] nisi [illegible] [illegible] et in l[ege] [illegible]
ff de [illegible] [illegible] et [illegible] non [illegible] [illegible] [illegible] [illegible]
de off[icio] [illegible] ubi [illegible] [illegible] in [illegible] et [illegible] de off[icio] ord[inarii] vel litigantes
l[ege] in et est ubi [illegible] et [illegible] [illegible] et [illegible] [illegible] judex [illegible]

§ 1. quid si duo p[er]p[er]am et te de litig[io] [illegible] sed pone a quib[us] [illegible]
videtur [illegible] q[uod] delegatus ordinarii q[uo]d ip[s]e [illegible] iudicare [illegible]
no[n] p[otes]t ut de off[icio] [illegible] p[ro]cur[ato]r[um] et sic [illegible] d[e] off[icio] [illegible] tenere
de quod si de facto fecit p[er] h[oc] c[apitulum] [illegible] et ar[gumentum] d[e] off[icio] leg[ati] c[apitulum] [illegible] no[n]
argume[n]t[is] et dict[is] doctor[um] no[n] obsta[n]te [illegible] duos [illegible]
q[uo]d viz q[uod] p[ro]cessus dicti [illegible] alias [illegible] fuit [illegible]
auditor[is] [illegible] [illegible] que d[e] iure
debuerint [illegible] [illegible] p[ro]cur[atoru]m ordinarii [illegible]
que sufficiunt d[e] [illegible] si delegati iudices p[ro]rogat[ur] q[uod] [illegible] vigore
commissionis alias [illegible] sibi facte p[ro]cessit q[uod] [illegible] q[uod] valu[it]
et no[n] [illegible] p[ro]cessit et no[n] [illegible] argume[n]t[um] [illegible] [illegible] q[ui]
h[ic] et no[n] de [illegible] [illegible] [illegible] q[ui] [illegible]
[illegible] et no[n] [illegible] [illegible] [illegible] alicuius [illegible] forte et si
forte [illegible] [illegible] [illegible] magis [illegible] p[ro]cessit [illegible] ad diffi[nitionem]
[illegible] [illegible] no[n] [illegible] volu[n]tarie q[uod] [illegible] et in [illegible]
d[e] off[icio] ord[inarii] [illegible] [illegible] litigantes p[er] glo[ssam] [illegible] in [illegible] que dubitando
[illegible] [illegible] d[e] [illegible] [illegible] [illegible] alias q[uod]
q[uod] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

61 Item q[uod] legatus de latere [illegible] [illegible] [illegible] [illegible] 89
et [illegible] legatio[n]e[m] [illegible] [illegible] maior est [illegible]
sibi data d[e] off[icio] le[gati] [illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
legatus de latere qui no[n] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] d[e] off[icio] le[gati] [illegible] [illegible] [illegible]
d[e] [illegible] [illegible] [illegible] [illegible] [illegible] ecclesie que legatus
de latere [illegible] no[n] [illegible] no[n] [illegible] [illegible] ecclesie et [illegible] alii
62 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
Item q[uod] [illegible] [illegible] [illegible] forma [illegible] et tenet ar[gumentum] [illegible] 90
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ecclesie
no[n] alie. videtur [illegible] [illegible] que [illegible] contractus [illegible] [illegible]
[illegible] in l. si quis ff. d[e] [illegible] [illegible] dolus dans causam contracti in
contractibus stricti iuris no[n] reddit [illegible] contractu[m] [illegible] [illegible] et
l. si quis cum aliquo ff. d[e] [illegible] obliga[tionibus] l. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] d[e] [illegible] ecclesie [illegible] alie. et sic p[otes]t [illegible] [illegible] [illegible] et [illegible]
que tenet [illegible] [illegible] et [illegible] [illegible] [illegible] d[e] [illegible] [illegible] [illegible]
de legat[is] [illegible] [illegible] [illegible] diffinit [illegible] [illegible] [illegible]

[illegible] et ita quod credo quod possit [illegible] articulum probata [illegible]
ut in l. [illegible]

91 Item [illegible] legatus [illegible] [illegible] 121
[illegible] ut alii [illegible] [illegible] ut [illegible]
[illegible] quia [illegible] est [illegible] est
[illegible] sibi [illegible] ut in [illegible] de off. le. [illegible]
[illegible] est [illegible] et [illegible] [illegible] ut no [illegible]
[illegible] legatus [illegible] patet qui
[illegible] sibi [illegible] [illegible]
[illegible] de off. le. [illegible] et [illegible]
Si [illegible] le. in [illegible] [illegible]
de off. lega. [illegible] [illegible]
in [illegible] [illegible] de [illegible]
in [illegible] [illegible] de legum [illegible]
[illegible] de [illegible] [illegible]
[illegible] et [illegible] legatus [illegible]
[illegible] alii [illegible]
[illegible] ordinarie et [illegible]
[illegible] et [illegible] quod non [illegible]
[illegible] [illegible] vel [illegible]
[illegible] quod non possit [illegible]
[illegible] quod [illegible] alii [illegible]
[illegible] non de [illegible] quod [illegible]

92 Item quod legatus [illegible] [illegible] [illegible] 122
[illegible] et indebite [illegible] non [illegible]
[illegible] vel [illegible]
[illegible] de off. [illegible] le. in [illegible]
[illegible] in de [illegible] quia in alias [illegible] non [illegible]
[illegible] de [illegible] ubi non
[illegible] ubi [illegible] ad [illegible] de
[illegible] non [illegible] non [illegible]
[illegible] non [illegible] le. in [illegible]
[illegible] de [illegible] ~~[illegible]~~ quod legatus [illegible]
[illegible] et [illegible] et [illegible] quod non
possit [illegible] de [illegible] ut [illegible]
de [illegible] quod [illegible] in [illegible]

li. in loco lib. in cunctis reservatis quia ... [illegible]
vacantibus per eum ... compulsi et non aliud ... quod ipse legati
aut ... nisi possit ... de beneficiis ... (in concessione
in concessione solet ... clausulam ... (denegans ...
de dicti ad audiendum ... in constitutione ... consuetudinem ...
eadem ... de ... de pluribus in ... aliud ...
... communi ... et ... predicta ... in ...
... est interpretandum ... alium de ... de ...
... [illegible] ... mutantur et
in dictam conclusionem ... [illegible]

233

Item quod in dismembratione alicuius ecclesie per ... ab aliquo 93
legato de latere requiritur ... ~~... cum aliquo legato de latere~~
legato, cum ... et ... personatus ... quia
... pro ... et ... ecclesie ... ad ... in
dismembratione est quedam alienatio ... ecclesie in qua requiritur
... ut ... licet ... ecclesie possit fieri
... de legato in dismembratione ... alienatio ... ad
legato ... secundum ... ad alia
... [illegible]

234

Item quod ... confirmatione ... dismembratam ... ecclesie ... legato 94
... in ... dismembratione et supplendo ... defectum ...
... supplemento ... defectum solempnitatis in
... et alia ... in ... legati ...
... ab ... et ...
... [illegible]
ubi ... quod confirmatio ... facta ... firmiter
... et ... quo ad solempnitates ... quo ad ...
... facta ... in ...
et ... ...
... et ... de ... in ...
... et ...
et ... et ... de ...
... [illegible]

235

Item quod dismembratio ... ordinario ... 95
... ab aliquo legato licet ... ordinario ...
... in ... licet possit agi de ...
... et ... obtinuit ...

[illegible] et [illegible] in [illegible] de [illegible] app^a facit [illegible] [illegible] de [illegible]
[illegible] si legatus ordinet [illegible] [illegible] habeat certos [illegible]
[illegible] [illegible] dudum [illegible] tenerit [illegible] [illegible] [illegible]
in [illegible] et [illegible] [illegible] fundatoris [illegible] [illegible] [illegible]
[illegible] stat ordinatio [illegible] [illegible] [illegible] [illegible] [illegible] facit
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ubi dicit
[illegible] [illegible] dudum [illegible] [illegible] in [illegible] [illegible] [illegible] in [illegible]
vel [illegible] et [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible].

96 Item [illegible] legatus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
de [illegible] et [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ibi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et dicit et concludit [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et
[illegible] [illegible] de [illegible] [illegible] et de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] et [illegible] [illegible]
[illegible] [illegible] de quo [illegible] [illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible]

91 Item collator [illegible] [illegible] [illegible] colligendi et recipiendi [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] alios [illegible]
[illegible] [illegible] [illegible] subcollectorem [illegible] in singulis [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] subcollectores
deputare [illegible] [illegible] [illegible] [illegible] [illegible] in quolibet [illegible]
et [illegible] et constitutos [illegible] [illegible] [illegible] tacite [illegible] [illegible] de [illegible] [illegible]
[illegible] in [illegible] constitutione [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] subsistendi [illegible] [illegible]
de [illegible] [illegible] [illegible] [illegible] collector [illegible] [illegible] [illegible] [illegible]
[illegible] et posset [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] deputare
subcollectores [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] constitutionem [illegible] et [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] collatoris [illegible] [illegible] [illegible] et [illegible]
deputatos esse [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] colligendi [illegible] posset [illegible] deputare [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
esse [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]
[illegible]

de simonia et hoc quod dicta [illegible] est facta sine [illegible] vel dicto [illegible] predictus collator [illegible] et sibi deputavit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

279 [illegible] 98

[illegible]

184 [illegible] 99

[illegible]

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obtento [illegible] de qua [illegible] vel [illegible] que per [illegible]
officium non fuit reservata [illegible] [illegible] declarationes [illegible] dni [illegible]
[illegible] et Gregorii [illegible] que habet [illegible] [illegible] mandat [illegible] de aliquo benefi-
cio non [illegible] vel [illegible] [illegible] [illegible] [illegible] non [illegible]
[illegible] [illegible] [illegible] [illegible] beneficii reservatio [illegible]
dubitari [illegible] reservatio [illegible] generalis et specialis et [illegible]
[illegible] in [illegible] et [illegible] [illegible] [illegible] specialis

100 Item fuit dubitatum [illegible] substituendi si [illegible] litteram [illegible]
[illegible] alium constituat [illegible] [illegible] [illegible] substituit in [illegible]
[illegible] [illegible] substitutus possit [illegible] [illegible] ad [illegible]
[illegible] causam [illegible] ad finem et videbatur [illegible] quod non [illegible] est
[illegible] [illegible] et [illegible] et [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] non [illegible] [illegible]
que fuit non [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] litteram [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] et [illegible] et [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible]
[illegible] et [illegible] ad [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] ad [illegible] [illegible] [illegible] [illegible] et non [illegible]
[illegible] sub [illegible] [illegible] [illegible] et [illegible] fuit [illegible]
[illegible]

101 Item fuit dubitatum [illegible] ad agendum et defendendum in [illegible] beneficiali [illegible]
speciale mandatum Nam [illegible] mandatum generale puta in omnibus
singulis causis [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
in causa [illegible] beneficiali et [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] aliquibus quod non [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] speciale mandatum [illegible] ad [illegible]
[illegible] ad agendum et defendendum et [illegible] [illegible] et [illegible]
et ibi [illegible] et [illegible] qui ad agendum [illegible] et [illegible]
speciale [illegible] fuit [illegible] [illegible] de [illegible] ad aliud de [illegible] [illegible]
[illegible] speciale in [illegible] speciale [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] et [illegible] et de [illegible] [illegible] et [illegible]
[illegible] ibi non et [illegible] ad agendum et defendendum [illegible] speciale mandatum
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] qui ad agendum [illegible] [illegible]
[illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] et cause beneficiales
[illegible] [illegible] et [illegible] et [illegible] [illegible] speciale [illegible]
de [illegible] [illegible] et [illegible] [illegible] de [illegible] [illegible] de [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] non obstante

[margin, left, beside 100:] [illegible] [illegible] [illegible] [illegible] appellare [illegible]
[margin, left, beside 101:] [illegible] [illegible]
[margin, right:] [illegible] [illegible]

fuit [illegible] Nam non reperitur in iure cautum quod [illegible] beneficiales
requirunt speciale mandatum quoad agendum [illegible] speciales
requirentes mandatum speciale quia notorie [illegible]
ad agendum et in specie de procuratoribus [illegible] ut [illegible]
iste [illegible] beneficiales [illegible] procuratores fuit
constitutus in omnibus et singulis causis motis et movendis et [illegible] potestatem
[illegible] et [illegible] causis beneficialibus in [illegible]
[illegible] procurator in [illegible] ad agendum ut in c. i
de procuratoribus [illegible] ad [illegible] ut in [illegible]
contrarium et [illegible] procuratores [illegible]
[illegible] ad agendum [illegible] et [illegible]
de procuratoribus

Item procurator habens mandatum substituendi substituit et commisit vices suas [illegible] 102
[illegible] alteri [illegible] et omnes [illegible]
[illegible] ad [illegible] substitutum et omnes [illegible]
[illegible] substituto [illegible] substituendi [illegible] valuit et
[illegible] videtur quod [illegible] alteri omnes procuratores [illegible]
[illegible] et [illegible] et [illegible] alteri substitutus [illegible]
[illegible] non potuit [illegible] debuit [illegible]
[illegible] et [illegible] procuratoribus [illegible] plenius in [illegible]
de officio delegati [illegible] quod [illegible] procuratores substitutos
[illegible] substitutionem [illegible] judicialem [illegible] fecisset [illegible]
[illegible] non [illegible] procuratores [illegible]
fuit [illegible] substituendi [illegible] et [illegible] in ca.
[illegible] valuisse et [illegible] substituendi
[illegible] ea [illegible]
[illegible] revocasse [illegible] et [illegible] delegatus
de officio delegati [illegible] de procuratoribus [illegible] et [illegible]
in [illegible]

Item quod in absentia procuratoris [illegible] ad [illegible] aut aliud 103
[illegible] de [illegible] Et [illegible] ibidem
[illegible] Cardinalis [illegible] facta [illegible]
de absentia [illegible] Item valuit [illegible] in [illegible] absentia
aliud [illegible] accepto et [illegible] quod [illegible] non
[illegible] in [illegible] copia [illegible] et [illegible]
[illegible] non [illegible] ut [illegible]
non [illegible] de [illegible] et [illegible]

Nota de procuratore constituto per commissionem [illegible] ad [illegible] devolutas [illegible]

plenius vide [illegible]

Item si per commissionem factam de speciali mandato [illegible] quia 104
constituit procuratorem ad [illegible] devolutas sufficit [illegible] quod [illegible]
illo procuratore [illegible] quod [illegible] valuit [illegible]

in [illegible] causa agitatur [illegible] et non in [illegible] de [illegible] [illegible] si constituat procuratorem [illegible] cum predicta limitatione nisi addatur ad causas [illegible] [illegible] constitutionem [illegible] [illegible] mandato [illegible] tali procuratori in causa [illegible] [illegible]

104 Item si [illegible] auditor [illegible] vel alicuius [illegible] iudicis ordinarii [illegible] vel [illegible] appellationem et [illegible] appellationem [illegible] [illegible] auditoribus [illegible] [illegible] commissa [illegible] [illegible] instantiam [illegible] [illegible] Nam licet [illegible] predicta [illegible] [illegible] auditor [illegible] vel [illegible] ordinarius [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] in dicta [illegible] instantiam et [illegible] [illegible] [illegible] appellationem [illegible] et [illegible] [illegible] instantiam [illegible] [illegible]. [illegible] auditoris camere [illegible]

106 Item si [illegible] predicta [illegible] constituat alium procuratorem [illegible] non [illegible] [illegible] [illegible] licet [illegible] [illegible] in [illegible] [illegible] instantiam [illegible] [illegible] [illegible] procuratoris [illegible] et [illegible] mandato [illegible] [illegible] licet [illegible] appellationem [illegible] [illegible] [illegible] et [illegible] instantiam [illegible] [illegible] [illegible] appellationem [illegible] [illegible] Et sic fecit [illegible] fecit

107 Item [illegible] procuratorem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Nam licet [illegible] [illegible] procuratoris [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]

108 Item si [illegible] [illegible] vel [illegible] procuratorem [illegible] et non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] procuratorem [illegible] [illegible] camere

109 Item si procuratorem [illegible] [illegible] [illegible] et [illegible] alium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] et [illegible] in [illegible] et [illegible] licet [illegible]

Marginalia: 1316 [illegible]; 20; 21; 43; 110; 124; [illegible] auditores [illegible] [illegible] [illegible] [illegible]; [illegible] [illegible]

125 Item quod procurator constitutus cui liberum est quod per alium constituere [illegible] mandati [illegible] quia factus est dominus litis ar. c. i. de procur. et c. [illegible] qui [illegible]. 110

148 Item si procurator ad certam causam constitutus cum mandato substituendi generaliter in omnibus et singulis causis [illegible] procurator constituit deputatus substituat [illegible] constitutus ad [illegible] causam [illegible] admittetur [illegible] procurator substituendi [illegible] generalis [illegible] constitutionem acceptasse [illegible] acceptionem procurator [illegible] c. i. [illegible] c. l. [illegible] qui de procur. [illegible] qui [illegible] glo. [illegible] et [illegible] quod si [illegible] 111

149 Item [illegible] substitutus [illegible] constitutus [illegible] ff. [illegible] l. Item [illegible] §. Si [illegible] c. [illegible] de procur. c. i. [illegible] est quod substitutus [illegible] liberum [illegible] quod per ultimum substitutum [illegible] factus est dominus litis [illegible] quod [illegible] c. et i. l. de procur. [illegible] qui de procur. [illegible] quod substitutus substituere cui liberum est [illegible] constitutum [illegible]. 112

150 Item si procurator constitutus ad agendum defendendum appellandum et appellationem prosequendum [illegible] appellare tenetur et [illegible] appellationem prosequi [illegible] de procur. [illegible] de procur. [illegible] ad agendum et defendendum [illegible] appellandum [illegible] prosequendum [illegible] 113

164 Item quod si duo procuratores constituantur [illegible] quod non sit melior conditio occupantis et cum potestate substituendi et [illegible] substitutos [illegible] Si [illegible] substituat et substitutus [illegible] procurator [illegible] substituendi [illegible] substituit [illegible] substitutionem [illegible] substitutos [illegible] primus substitutus [illegible] substituendi [illegible] constitutum [illegible] de procur. [illegible]. 114

165 Item quod [illegible] procur. [illegible] sub sigillo [illegible] sigillatum [illegible] sigillum 115

sit cognitum vel probatum si fuit negatum [illegible] de prom[issione]
[illegible] si prom[issio] ut facit [illegible] et ibi [illegible] per [illegible] et [illegible] qui
[illegible] duobus testibus [illegible] [illegible] ff de prom[issione] [illegible]
de causis [illegible] facit [illegible] de [illegible] de religiosis domibus [illegible] et [illegible]
et [illegible] de app[ellationibus] [illegible] quia si ille actor [illegible]
et autenticum sigillum capituli ad causas [illegible] admitteretur [illegible]
[illegible] sigillum [illegible] fuit repulsus [illegible]
[illegible] dicit quod sigillum ad causas [illegible] ut facit [illegible]
de [illegible] de presbiteris [illegible] et [illegible] de [illegible]
[illegible] quod [illegible] dicatur autenticum sigillum [illegible] de prom[issione]
[illegible] sigillo [illegible] et [illegible]
ubi [illegible] que [illegible] de prom[issione] [illegible] et ibi [illegible]

116 Item quam causa benefi[cialis] [illegible] admittitur sine mandato ad
agendum vel [illegible] attendenda est
[illegible] speciali [illegible] competit de ele[ctione]
[illegible] et [illegible] de [illegible] de causis
[illegible] facit [illegible] et ibi [illegible]
[illegible] testibus [illegible] beneficialibus causis facit [illegible]
[illegible] glo[ssa] [illegible]
et [illegible] de prom[issione] et de [illegible] et [illegible]
de [illegible] quibus [illegible] communicari
[illegible] speciali [illegible]
[illegible] statuta [illegible]

117 Item si constituat prom[issionem] [illegible] benefi[cialis] et [illegible] litteris [illegible] et
[illegible] et ad [illegible] respondendo
[illegible] quod [illegible]
[illegible] et [illegible]
[illegible] ad singulare
successorem [illegible] et [illegible] de [illegible] et [illegible]
[illegible]
[illegible] mandatum [illegible] et [illegible]
[illegible] de prom[issione] qui
ad agendum [illegible]
[illegible] litteris [illegible]
[illegible] possessionis [illegible]
[illegible] beneficiorum qui succedunt
in [illegible] et [illegible] de [illegible]
de [illegible] et ibi [illegible] quia [illegible]
[illegible] et litteris [illegible]
[illegible] exempla [illegible]
[illegible] quia [illegible] speciali [illegible] quod [illegible] sufficit [illegible]

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de expensis ad expensas. Item quod licet [illegible] successor [illegible] [illegible]
[illegible] est opus [illegible] collationi et hoc notat [illegible] in [illegible] c. [illegible] que [illegible]
[illegible] facit textus [illegible] de regulis iuris li. vi.

Item quod procurator habens mandatum substituendi et revocandi ac [illegible] 118
[illegible] sibi [illegible] substitutionis [illegible]
[illegible] et substitutum quod [illegible] non
[illegible] procurator [illegible] ita [illegible]
[illegible] reassumere et in causa ulterius procedere
potest [illegible] mandati [illegible] quo [illegible] quod hoc notat
in c. licet de procuratoribus [illegible] substitutum
revocare [illegible] in c. [illegible] de procuratoribus [illegible] substitutus
[illegible] procedit [illegible]
[illegible] procedit [illegible]
in c. [illegible] et [illegible] de procuratoribus

119 [illegible]

Item quod procurator habens mandatum substituendi substituat et ille substitutus 120
[illegible] procurator [illegible] et in causa procedit [illegible]
substitutionis [illegible] et al. [illegible]
[illegible] alia [illegible]
[illegible] substitutum revocasse [illegible] substitutum
in causa procedat [illegible] legalibus [illegible] et [illegible]
ad [illegible] sit aut [illegible]
[illegible] substitutio [illegible] respondisset [illegible]
intelligendum [illegible] quod hoc notat in c. [illegible] de procuratoribus li. vi. [illegible]
[illegible] et [illegible] debent
[illegible] quod hoc notat [illegible]

Item quod [illegible] procurator [illegible] in [illegible] 121
[illegible] ff. de [illegible] iudi. et de [illegible] et c. licet [illegible]
[illegible]
procurator ad defendendum [illegible]
[illegible]
[illegible] est denegandum [illegible]
[illegible] denegatur [illegible]
[illegible] denegatur [illegible]
[illegible] debent [illegible]
[illegible] ff. de [illegible] iudi. [illegible]
[illegible] possit et debet [illegible]
defendi [illegible] mandato [illegible] ff. de procuratoribus
et [illegible] alle. [illegible]

Item si clericus [illegible] a iudice seculari [illegible] 122
et detentus [illegible] clericus [illegible] ordinarium

et [illegible] possit remitti ad forum ecclesiasticum sicut est statutum [illegible]
nisi [illegible] contra [illegible] et regnum et [illegible] et
[illegible] quam [illegible] forum ecclesiasticum [illegible]
[illegible] et [illegible] clericis [illegible] et [illegible]
[illegible] ecclesiasticum et [illegible] quia [illegible] et [illegible]
[illegible]

123 Item [illegible] clerici [illegible]
[illegible] ad agendum et defendendum [illegible]
[illegible] est [illegible] quam [illegible]
[illegible] et [illegible]
et [illegible] et [illegible]
et [illegible] et [illegible]

124 Item [illegible] ad [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]
[illegible] et
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
et [illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]

125 [illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible] 126 [illegible]

12[illegible] Item [illegible]
[illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] est [illegible]

126 [illegible] abbate [illegible]

in scriptis [illegible] sunt eciam dicta et [illegible] dicti domini [illegible] loco
[illegible] quoad representacionem [illegible] aut [illegible]
[illegible] [illegible] insurgit aliud dubium [illegible]
[illegible] abbatis [illegible] cum prior [illegible] translacionem apparet 128
et [illegible] ad [illegible] actus quos quando
[illegible] et omnia acta [illegible] agitata [illegible]
[illegible] ratificat et grata [illegible] dubitatur [illegible]
[illegible] ratihabicionem valeat sive validentur [illegible]
[illegible] translacionem [illegible] sive abbatis et [illegible]
[illegible]
[illegible]
[illegible] aliquis [illegible] abbas
[illegible]
[illegible] succedit [illegible]
[illegible]
[illegible]
[illegible] abbatis [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et grata [illegible]
[illegible]

Item [illegible] aliqua officia 129
[illegible] agere et defendere [illegible] districtus
[illegible] officiis et administracionibus
[illegible] et legittime defendere
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] ad agendum et defendendum [illegible] 130
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] ... sufficiat

131 Item si quis constituerit plures procuratores ... [illegible] 260

[illegible]

132 Item si ... [illegible] 265

[illegible]

I[n] [illegible] qui pro testa[mento] [illegible] ubi dicit[ur] q[uod] [illegible] testa[torum]
recipit [illegible] lic[et] in 2o testa[mento] aliquis h[er]es [illegible] sit [illegible]
[illegible] [illegible] remittit [illegible] ad [illegible] forme
forme [illegible] dato [illegible] alit[er] tenet [illegible] lic[et] de [illegible] qui
[illegible] ff de condi[ctione] indebiti l. [illegible] et l. [illegible] [illegible] in
[illegible] [illegible] sup[er] [illegible] glo. [illegible] ff qui licet ab
[illegible] [illegible] l. [illegible] q[uod] [illegible] remittit [illegible] [illegible] possit [illegible]
[illegible] [illegible] in glo. [illegible] qui et [illegible] post [illegible] regula [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] qui [illegible]
[illegible] [illegible] q[uod] lic[et] [illegible] sit [illegible] [illegible] est
[illegible] [illegible] [illegible] [illegible] est [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] requisita [illegible]
[illegible] [illegible] [illegible] data ad appellandu[m] et [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] qui
[illegible] alle[gata].

294 Item q[uod] ad [illegible] possessione[m] [illegible] [illegible] [illegible] sp[eci]ale 133
mandatum ff de acquirenda possessione l. 1. et [illegible] [illegible] [illegible]
[illegible] [illegible] ubi [illegible] glo[sa] [illegible] q[uod] [illegible] [illegible] poss[essio]nem acquir[it]
[illegible] [illegible] ff de [illegible] l. si [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ubi [illegible] in [illegible] l. 1 ff de acquirenda possessione [illegible] [illegible] que [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] q[uod] [illegible] [illegible] debet [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ff [illegible]
[illegible] l. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] l. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] glo[sa] [illegible] [illegible] [illegible] [illegible] collato
[illegible] est facti [illegible] [illegible] [illegible] [illegible] [illegible]
mandato sp[eci]ali [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] glo[sa] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] sp[eci]ali mandato [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] si tibi [illegible] sup[er] glo[sa] [illegible] [illegible] [illegible] [illegible]

302 Item si quis constituit [illegible] ad [illegible] [illegible] sp[eci]alit[er] [illegible] 139
et [illegible] constituat alios [illegible] ad [illegible] et singulas [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] l. [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] l. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

306 Item lic[et] [illegible] [illegible] [illegible] [illegible] ad [illegible] 137
et [illegible] si substitutus [illegible] [illegible] [illegible]

[illegible] ... satisfacere ... causae de ... [illegible]
... in causa quae ... ad satisfaciendum ... [illegible]
... simul recipiens omnes ... ad omnia tunc ... [illegible]
et quae quibus ... [illegible] ... et ...
ut ... possit ... [illegible]
... interrogationes ... quibus est ... [illegible]
... ut litigatores ... [illegible] ... in similibus
et ... [illegible] ... posset defraudari ... [illegible]
... [illegible] ...
... de magistro ... [illegible] ... similibus

136 Item si in commissione ... [illegible] ... de plano
et sine strepitu et figura iudicii ... [illegible]
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
auditor ... [illegible] ...
... [illegible] ... veniunt ... commissione
... de plano sine strepitu et figura iudicii ... [illegible]
... [illegible] ...
... [illegible] ... figura

Nota de commissione

137 Item ... [illegible] ... sola facti veritate
inspecta procedatur ... posset ... ad ponendum et articulandum
et ... ad ... [illegible] ...
producta ... [illegible] ...
... [illegible] ...
... ad ... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ... figura

et similes .9.

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Item si petatur quod causa commissa uni auditori committatur etiam alteri [illegible] et sequatur alter, prevenit ille auditor et causa apud eum pendente [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] alteri [illegible] causam apud eum [illegible] commissionem [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] causa audita. 138

70 Item licet plura capitula in commissione obtenta [illegible] [illegible] aliqua sit tamen aliqua falsa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] commissio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] licet [illegible]. 139

71 Item si impetret clericus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et quosdam alios [illegible] licet [illegible] [illegible] [illegible] aliquos [illegible] facit [illegible] [illegible] [illegible] de [illegible]. 140

74 Item si ~~auditor~~ impetret commissionem [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] commissionem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] actor [illegible] [illegible] [illegible] [illegible] nova commissione [illegible]. 141

106 Item si petatur quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] simpliciter et de plano sola [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sequitur auditor ille auditor [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] commissionem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. 142

80 Item quod etiam commissiones impetrate absente [illegible] [illegible] [illegible] sola facti veritate [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] parti absenti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] commissionem [illegible]. 143

118 Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] impetretur commissio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 144

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est in commissione expressa sed dicit premisse generaliter [illegible]
[illegible] si fuit contentus alterius vigore dicte commissionis
[illegible] plenius [illegible] et cognoscendi et liberatus expresse vel [illegible]
et cognoscendi [illegible] consistit ad eandem [illegible] de lega l. sit [illegible]
[illegible] teste l. si quis [illegible] facit c. [illegible]
[illegible] de teste et [illegible] et [illegible] alt. [illegible]
[illegible] et [illegible] c. de [illegible] facit [illegible] per [illegible]
[illegible] et [illegible] de [illegible] in [illegible]
[illegible]

124 Item quod commissionem impetrata super causa mota et movenda
[illegible] impetrantis extenditur dumtaxat ad mota et non [illegible]
[illegible] statim [illegible] incipit [illegible] quod per impetrationem
incipit [illegible] et [illegible] [illegible] de
[illegible] dicte commissionis [illegible] non extenditur ad futura [illegible]
[illegible] c. si de [illegible] ad futuras [illegible]
[illegible] consistunt [illegible] tam motas et movendas
[illegible] extendit ad tam futuras de [illegible]
[illegible] ff. c. l. iii et iiii

126 Item quod commissio impetrata in causa per filium familias in paterna
potestate constitutum sine consensu patris [illegible] persona valet
[illegible] filius [illegible] [illegible] et [illegible]
[illegible] patris [illegible] in quibus [illegible] ~~[illegible]~~
[illegible] [illegible] non [illegible] patris
~~[illegible]~~ c. [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] in causa non est
[illegible] [illegible] [illegible] commissio impetrata
[illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] non [illegible]
[illegible] in causa [illegible] [illegible] filius familias non
est [illegible] [illegible] ad impetrandum [illegible] non
[illegible] ut [illegible] quod in [illegible]
[illegible] et [illegible] sibi competit [illegible]
[illegible] ff. [illegible] [illegible] [illegible]
[illegible] ut in l. filius familias [illegible]
ff. de [illegible] ff. [illegible] et obli. l. si filius et [illegible] non [illegible]

de [illegible] et c. [illegible] e ti [illegible] quia [illegible] et [illegible]
in [illegible] ut [illegible] ff. de [illegible] et [illegible]
ut l. [illegible] ff. de [illegible] et [illegible] c. i. sed [illegible]
[illegible] agi [illegible] iudicio esse [illegible] et [illegible]
ff. de [illegible] l. [illegible] nec [illegible]
[illegible] valeret iudicium [illegible] agitatum
et [illegible] valet [illegible] et [illegible] de [illegible]
l. [illegible] quod [illegible] iudicium [illegible] et de off.
dele. [illegible] et [illegible] sed [illegible]
ut [illegible] ff. [illegible] et iudicium [illegible]
in [illegible] valet [illegible] de [illegible] c. i. [illegible] et [illegible]
[illegible] impetrata [illegible] ut
[illegible] et [illegible] de [illegible]
valet agitata in [illegible] de [illegible] constituto
[illegible] et iudicium [illegible] valida [illegible]
ff. de [illegible] sit [illegible] et [illegible]
[illegible] sed [illegible] intelligi esse [illegible]
ff. [illegible] l. i. de [illegible] constituitur [illegible]
[illegible] impetratur [illegible] agitur [illegible]
ut [illegible] et [illegible] sufficit [illegible]
iudicio [illegible] ff. [illegible] et [illegible]
commissionis [illegible] ob [illegible] de [illegible]
impetret sed [illegible] alia [illegible]
[illegible] ad agendum [illegible]
[illegible] agendi [illegible] constituit et [illegible]
[illegible] et [illegible] agendi et [illegible]
[illegible] valida et [illegible]
[illegible] valet agitata [illegible]
constituto [illegible] et iudicio [illegible] valida [illegible]
in l. [illegible] ff. de [illegible]

178 Item q̃ commissio impetrata [illegible] 1ra
[illegible] impetrata [illegible] et [illegible] valet et tenet [illegible]
aliquos [illegible] valet
et tenet [illegible] de [illegible] et [illegible]
impetrata [illegible] impetrata [illegible]
tales [illegible] possit [illegible]
ff. [illegible] c. i. de [illegible] et [illegible]

et tam nos presens in [illegible] capite [illegible] et est [illegible] in predio
[illegible] abbate [illegible] et [illegible] dicere esset absens. Et ideo [illegible]
[illegible] commissariam non valet aut [illegible] quando [illegible]

179 cd.

138 quod esset absens [illegible] Episcopus suffraganeus alio [illegible] absens
[illegible] litteras [illegible] habet et tenet [illegible] et non [illegible]
in ut litteras [illegible] in [illegible] et [illegible] additione [illegible] testes
in [illegible] abbate [illegible]

139 Item si committitur causa in eodem statu in quo erat coram primo
auditore vel commissio [illegible] specialiter et [illegible]

218

causa [illegible] primi auditoris [illegible] et statum [illegible]
in quo status causa est [illegible] et [illegible] et [illegible]
[illegible] et [illegible] commissionis [illegible]
causa apud auditorem [illegible] de toto processu [illegible]
oportet [illegible] et in [illegible] auditor [illegible]
[illegible] et ibi [illegible] quo ad [illegible]
sufficit si in commissione [illegible] certa causa certo auditori committitur
[illegible] commissionis [illegible]
[illegible] committendo [illegible] committitur et [illegible]
[illegible] et in [illegible]
[illegible]

140 Item voluerunt et ordinaverunt domini correctores quod licet plures commissiones
speciali mandato [illegible] per informationem [illegible]

241

[illegible] aliorum auditorum [illegible] aliquem [illegible]
[illegible] commissionem [illegible] ad aliquem [illegible]
[illegible] quo [illegible] processu et [illegible]
processu et [illegible] totum [illegible]
commissionibus auditoris primus [illegible] ut [illegible]
[illegible] et faciat quod [illegible] auditori [illegible]
[illegible] commissiones [illegible] et in [illegible]
[illegible] processu et [illegible] totum [illegible]
[illegible] et [illegible] commissionem
[illegible] predicti [illegible]
[illegible] primus auditor [illegible]
et faciat [illegible]

in c. ut debitus de app. et c. cum in ecclesiis et c. ut sit Roma et c.

346 Item si conveniatur quis ut [illegible] quod ad [illegible] collacionem [illegible] | 171
[illegible] b. [illegible] beneficio in pretore citandi [illegible] adversus se
impetrans commissionem [illegible] non recipit citacionem adversus [illegible]
[illegible] ad [illegible] et [illegible] prestit [illegible]
[illegible] commissionem non dicta [illegible] appellacionem [illegible] audire [illegible]
[illegible] commissarius [illegible] quod non [illegible] dubium [illegible]
[illegible] quod totum negotium [illegible] ad [illegible]
[illegible] c. i. de [illegible] iuncta [illegible] cum [illegible]
appellacionem [illegible] quod [illegible] b. et [illegible] quo [illegible]
cum [illegible] commissionem [illegible] obtinuisset [illegible]
quod non [illegible] mandasset [illegible] ad [illegible] tamen
[illegible] vel obstat [illegible] cum [illegible] impetracionis [illegible]
[illegible] commissionem [illegible]
[illegible] citandi [illegible] habuit citacionem [illegible]
[illegible] appellacionem non [illegible] augustinus [illegible]
[illegible] de [illegible] li. vi de [illegible]

Item si [illegible] commissionem [illegible] et [illegible] | 172
288 de [illegible] adversus [illegible] preparant [illegible]
[illegible] adversarium [illegible] commissionem [illegible]
[illegible] non est admittendus quod non [illegible]
negotium quod non admittitur cum [illegible] impedit de [illegible]
[illegible] c. i. li. vi et non [illegible] regnum [illegible] assignatus [illegible]
[illegible]

370 Item si [illegible] tempore [illegible] introductorie | 173
[illegible] citandi [illegible] dubitatur [illegible]
[illegible] et [illegible] ecclesie [illegible]
[illegible] li. sit et fuit magna altercacio
doctorum [illegible] in [illegible]
[illegible] doctorum [illegible] dei feriata ad diem
feriatam non [illegible] dei feriata ad non feriatam
[illegible] tenet et [illegible] non [illegible] iudicialis [illegible]
[illegible] et in domo et [illegible] iudicialis strepitu et [illegible]
[illegible] ideo cessat [illegible] c. i. [illegible] cessante [illegible]
cessabit et [illegible] de app. [illegible] cessans [illegible] li. [illegible]
[illegible] in libro de hac materia [illegible]
de citando non [illegible] dei feriata ut c. [illegible]
[illegible] non [illegible] quod [illegible]
li. vi [illegible] doctorum [illegible] de citando [illegible]

et sit in causa cum cognoscendo et iudicando pro tribunali sedens [illegible] [illegible]
actus sunt strepitus iudiciales non sit [illegible] [illegible] [illegible] [illegible] sunt
cause cognitio et iudicium [illegible] [illegible] [illegible] [illegible] tempore [illegible] [illegible] in [illegible] [illegible]
citatio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] super [illegible] [illegible]
[illegible] in [illegible] citationes sunt [illegible] sunt ad [illegible] et [illegible]
est [illegible] que potest fieri de plano [illegible] est facti et non sit per iudicem
ut [illegible] cause cognitionem sed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] et ubi [illegible] que in [illegible] predicte citationes
[illegible] [illegible] publicari et legi in audientia [illegible] litterarum
apostolicarum que non est tempore [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et concludebat quod huiusmodi citatio facta in valvis [illegible] ecclesie sunt
[illegible] in [illegible] non valuit [illegible] [illegible] ut [illegible] citatio
[illegible] [illegible] [illegible] ut ipsa [illegible] [illegible] [illegible] potuit a [illegible]
[illegible] [illegible] [illegible] fuit quod huiusmodi citationes que fuit predictum
[illegible] a [illegible] [illegible] et [illegible] stricte tenendo in [illegible] [illegible] et formis
de [illegible] a [illegible] [illegible] forma et modus citandi [illegible] est
traditus [illegible] [illegible] quod [illegible] in audientia [illegible] [illegible]
in [illegible] [illegible] et in valvis [illegible] ecclesie [illegible] loci ut [illegible] et [illegible]
[illegible] si aliquis [illegible] [illegible] [illegible] et [illegible] [illegible]
de [illegible] non [illegible] in [illegible] [illegible] [illegible] citationes huiusmodi que predicte
sunt [illegible] audientia [illegible] [illegible] et publicande sunt quia
[illegible] [illegible] [illegible] [illegible] potest sit [illegible] citati [illegible]
huiusmodi citatio [illegible] [illegible] tempore [illegible] [illegible] et habet [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] que sit [illegible]
[illegible] et [illegible] possit [illegible] [illegible] citatus [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et citationes et non [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible] [illegible] forma [illegible] [illegible] [illegible]
actus qui tempore [illegible] potuit et debuit fieri per iudicem [illegible] [illegible] in
audientia. [illegible] [illegible] potuit et [illegible] debuit fieri in valvis [illegible] ecclesie
que [illegible] succedit loco audientie ~~surrogata in loco alterius [illegible]~~ [illegible]
~~[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]~~ [illegible] [illegible] [illegible]
~~[illegible] [illegible] citatio [illegible] fuit [illegible]~~ [illegible] ut [illegible] [illegible] [illegible]
[illegible] actus [illegible] citationes potuit fieri de plano et [illegible] [illegible]
et [illegible] [illegible] et ista [illegible] potuit et debuit fieri in valvis [illegible]
ecclesie succedentis loco audientie surrogato in loco alterius [illegible]
[illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] citatio [illegible] fuit [illegible] in valvis [illegible]
et [illegible] [illegible] [illegible] non [illegible] [illegible] quod [illegible] [illegible]
non potuit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] facit [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] citatio et [illegible] [illegible] [illegible] [illegible]

cum possit procedi in ca et lex sit in suspenso quamvis ponatur in possessione
nem tamen quod possit opponi quia dicit prout patet notatur supra eadem ꝓ[illegible]
L in primo ubi hoc et facit canon (?) [illegible] q̄ in ea [illegible] et in textum de ꝯ
quod facto [illegible] sicut in dicto decre de perd[illegible] in alle[illegible] per [illegible] dicit quod
illi processus qui fient postea ipso citato possit fieri contra ipsum citatum
[illegible] ipso citato et non [illegible] sit [illegible] et [illegible] quod
[illegible] sed si ipse citatus esset loco [illegible] [illegible] et tunc esset
magis [illegible] ad quod [illegible] notatur quod si [illegible] fuisset
[illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] qui [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] ad [illegible] sufficiat ergo quod [illegible] processus
et non procedatur ad [illegible] et sic fuit [illegible] [illegible] in [illegible] cam

Fiebat de citato [illegible] [illegible] in glo [illegible] et [illegible] in [illegible] si [illegible] de [illegible] et [illegible] [illegible]

Item valet citatio ad domum [illegible] [illegible] [illegible] si sic in 172
causa [illegible] [illegible] ipso fuit [illegible] et sic [illegible] et [illegible]
[illegible] [illegible] [illegible] in c. si de eo qui mittitur in possessionem et alle c. cum
[illegible] de eo et [illegible] sed loquitur [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ut [illegible] ibi in glo. [illegible] valeat [illegible] citatio ad domum
[illegible] [illegible] [illegible] in [illegible] de [illegible] super [illegible] ipso [illegible]

Item si [illegible] [illegible] [illegible] cum sit citatio ad domum [illegible] [illegible] 174
[illegible] et non [illegible] [illegible] [illegible] [illegible] applare quod tunc
[illegible] alle [illegible] [illegible] [illegible] [illegible] sed [illegible] [illegible] sed de
et [illegible] [illegible] [illegible] [illegible] [illegible] de app [illegible] et ibi dicit
[illegible] in quod ille [illegible] [illegible] sed tunc valebit [illegible] sed [illegible] in possessione
[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
si fuerit [illegible] sed [illegible] appellare [illegible] in [illegible] [illegible] in [illegible] [illegible] [illegible]
in glo [illegible] distinguit inter [illegible] et [illegible] [illegible] ut [illegible] non [illegible]
[illegible] [illegible] sed [illegible] [illegible] [illegible] [illegible] si [illegible] de eo et [illegible] et [illegible]
eo [illegible] [illegible] et [illegible] de app [illegible] [illegible] [illegible] [illegible]

Item si citatus ipso [illegible] [illegible] et [illegible] procedatur [illegible] 176
[illegible] [illegible] ad [illegible] [illegible] [illegible] et [illegible] processus [illegible]
in c. i. de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quia [illegible] sed [illegible]
[illegible] [illegible] [illegible] [illegible] de [illegible] in [illegible] de [illegible] ad
[illegible] [illegible] [illegible] quia de [illegible] [illegible] de [illegible] ad [illegible]
[illegible] de [illegible] [illegible] [illegible] et sic [illegible] [illegible] [illegible]

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52

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pro absente per l[ibellum] cum sit indubitate ... ad l[ibellum] ... dicto ubi ... p[er] p[ro]c[uratorem] ...
... et ipso ... ubi non ... et ...
... in ... de ... c[ausa] ... appellatione ... appellat[ionis] ...
... aliud ... ubi ...
... absente ...
... ad mitti ...
... sit

177 ... appellationem ...
... aliud ... et non ... appellat[ionem] ...
... ad ... et de ...
... ad ...
... 158
... appellatione ...
...
... et ... et ...
... appellatione ...
... appellatione ... et ...
...
... et ...
... et ...
... et ...
... et ...
... et ...
...
...

178 ... ad ... 245
... appellationis ... ad ...
... ad ... et appellat[ionem] ...
... et ...
... et ...
... et ... ad ...
... et de ... et
... de ...
...
... et ... de ...
... et ... de ...
...
... et ... de ...

de dic. citatu. eum qui et c. eu dicta et c absolvit de off. dni [illegible] q.
cu [illegible] [illegible] [illegible] [illegible] ad [illegible] ad [illegible]
qui cu alio [illegible] ad [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] et [illegible] quid et qui [illegible] qui [illegible] et [illegible]
cu dc [illegible] et [illegible] de [illegible] c. [illegible] de dc citatu [illegible]
[illegible]

175

Item si testes [illegible] ad [illegible] [illegible] et [illegible] ad 179
[illegible] et dicti testes [illegible] [illegible] [illegible]
cu aliqui [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et no. cu c [illegible] de off. dni.

Item q. [illegible] [illegible] [illegible] et [illegible] [illegible] q. [illegible] 160
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] et [illegible]
no [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]

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v. q. cu [illegible] [illegible] et [illegible] et [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
testes [illegible] [illegible] ad eos de testi s. qui

Item [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] 161
[illegible] [illegible] [illegible] qui [illegible] ad [illegible] [illegible] q. [illegible] ad

249

[illegible] [illegible] quid et qui [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] ad [illegible] de [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de dc et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] ad [illegible] [illegible] et [illegible] ad [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] ad [illegible] [illegible] [illegible] [illegible] et no. [illegible] et [illegible]
et [illegible] cu [illegible] [illegible] [illegible] [illegible] et [illegible]
de off. dni et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] et [illegible] [illegible]

[illegible] in spalis aplica fuit preemptor licet id non apparuit ut no [illegible] in [illegible] dicunt [illegible] alii decani dicti [illegible] [illegible] [illegible] plenam et [illegible] fuit [illegible] [illegible] [illegible] [illegible] [illegible] dicti [illegible] [illegible] fuit [illegible] [illegible] citatione [illegible] predicti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] preemptorie licet non fuit [illegible] preemptorie citatione et [illegible] preemptorie [illegible] [illegible] et [illegible] [illegible] item [illegible] dicti [illegible] et [illegible] alii

[illegible] [illegible] [illegible] preemptorie [illegible] [illegible] predicti [illegible] [illegible] preemptorie [illegible] [illegible]

162 Item si per lapsum [illegible] decretorum ad [illegible] aliquid [illegible] in Rota [illegible] predicti et libellum [illegible] tribus aliis citationibus [illegible] [illegible] [illegible] habet et [illegible] [illegible] citationes non fuit [illegible] et fuit [illegible] ut [illegible] predicti [illegible] aliquid [illegible] ut non [illegible] in Rota [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] non est [illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in Rota [illegible] [illegible] fuit lapsum [illegible] est [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] in Rota [illegible] [illegible] [illegible] et [illegible]

163 Item quod citatus [illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] collegii [illegible] non citavit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] plenus [illegible] [illegible] [illegible] [illegible] partis

164 Item quod procurator constitutus [illegible] [illegible] ad agendum et defendendum [illegible] causas aliquas et [illegible] [illegible] non potuit [illegible] ad [illegible] [illegible] non fuit [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] procurator [illegible] [illegible] [illegible] constitutus [illegible] [illegible] [illegible] [illegible] [illegible] posset [illegible] aliquibus [illegible] [illegible] [illegible] [illegible] [illegible] procurator constitutus ad agendum et defendendum [illegible] [illegible] [illegible] [illegible] [illegible] procurator [illegible] constitutus [illegible] [illegible] [illegible] procurator [illegible]

[illegible] [illegible] preemptorie [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] preemptorie [illegible] [illegible]

[illegible]

et quolibet [illegible] facto audire [illegible] publice
[illegible] et vivis

318 Item licet [illegible] et [illegible] capitulares et [illegible] appellationes [illegible] 165
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

348 Item licet [illegible] 166
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
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[illegible] [illegible]
[illegible]
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[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

276 Item [illegible] libellus [illegible] 167
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] [illegible]
[illegible]
[illegible]
[illegible]

nō sufficit mitti [illegible] de [illegible] et [illegible] [illegible] Item [illegible] et [illegible]
de [illegible] ad dilā[illegible] [illegible] et [illegible] et ubi [illegible]
[illegible] quacumque [illegible] in quo ad [illegible] fraudem [illegible] et sic
nō lz citatos [illegible] [illegible] [illegible] in [illegible] qui [illegible] forte [illegible]
[illegible] [illegible] quia mitti[illegible] [illegible] est in [illegible] adiecticam [illegible]
[illegible] est aliquis [illegible] nisi [illegible] [illegible] [illegible] ut [illegible]
ut [illegible] in fraudem [illegible] ut impediret quo posset ad [illegible]
citationem aut [illegible] [illegible] ut lz nō [illegible] et [illegible]
fraudem et impedimentum [illegible] [illegible] [illegible] Nam qui fraudem
[illegible] [illegible] de dolo [illegible] ad [illegible] [illegible] citare
[illegible] [illegible] [illegible] [illegible] est [illegible] tamen [illegible]
[illegible] posset ad [illegible] [illegible] ut lz nō [illegible]

168 Item [illegible] ut lz [illegible] nō [illegible] loco [illegible] in [illegible] [illegible]
talia citatio [illegible] [illegible] [illegible] citata posset [illegible] Nam
in loco ubi [illegible] et [illegible] sit [illegible] [illegible] citat [illegible] ut
tempore [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] copiam [illegible] et [illegible] [illegible] adeundi [illegible]
[illegible] quo [illegible] est [illegible] sibi [illegible] copiam nō recipit [illegible]
[illegible] loquitur [illegible] citatio sit [illegible] [illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in glo. ult. [illegible] quod [illegible] sit [illegible]
[illegible] [illegible] [illegible] in [illegible] citationem [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] lz [illegible] quo ad [illegible] [illegible]
[illegible]

169 Item quo ad capitationem [illegible] [illegible] fraudem [illegible] [illegible]
[illegible] sit citanda in quo ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] lz [illegible] sit [illegible] Nam [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] ut dolose et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] ut [illegible]
[illegible] ut [illegible] et [illegible] [illegible] [illegible] et [illegible]

170 Item [illegible] [illegible] [illegible] citandi [illegible] in [illegible] et in [illegible]
[illegible] assignandi ad [illegible] [illegible] [illegible] loco [illegible] [illegible]
[illegible] [illegible] in [illegible] loco [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] est de [illegible] [illegible] in [illegible]
[illegible] in [illegible] loco [illegible] [illegible] [illegible] [illegible]
qui est delegatus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

171 Item si [illegible] [illegible] [illegible] citandi [illegible] assignandi in [illegible] et
[illegible] ut [illegible] lz [illegible] citatio [illegible] [illegible] [illegible] legatum

in audientia contradictarum et affigatur in valvis palatii et ecclesie [illegible] loci ubi est curia et etiam licet legatur et publicetur in locis [illegible] in presentia [illegible] sic ut apertius non sufficit nisi affigatur valvis istorum locorum et demum ubi affixa per aliquas horas non sufficit affixio copie nisi per [illegible] citat nisi affigatur littera originalis cum ipsa [illegible] et non copie quia si non fuerit facta [illegible] [illegible] [illegible] est de [illegible] t. i. et in [illegible] de offi. dele. [illegible] [illegible] non sufficit [illegible] sed supplevit [illegible] citationis sive affixione ipse [illegible] quia licet quod affigatur et [illegible] [illegible] quia licet loquitur de affixione facienda [illegible] loco puta in [illegible] [illegible] in [illegible] loco [illegible] [illegible] [illegible] cum [illegible] [illegible] pape [illegible] et [illegible] in pluribus locis [illegible] [illegible] est diligentius [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] contra [illegible] quia [illegible] non [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] diligentia.

232 Item voluerunt et ordinaverunt domini quod quando committitur causa de speciali mandato [illegible] citandi [illegible] quod in modo citandi [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] quod fiat [illegible] [illegible] [illegible] citationem in loco [illegible] [illegible] possit sed licet citatio fiat in loco [illegible] de quo agitur et in ecclesia [illegible] non sufficit nisi aliis de ecclesia [illegible] citandi [illegible] citandi [illegible] et [illegible] et [illegible] copiam huiusmodi citationis nisi [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] contra [illegible] [illegible] non in [illegible] [illegible] et [illegible] [illegible] [illegible] de [illegible] [illegible] in [illegible] [illegible] 142

275 Item si de speciali mandato pape aliquis [illegible] et [illegible] [illegible] citari [illegible] licet huiusmodi citatio non fuerit debite executa [illegible] [illegible] [illegible] huiusmodi citationem [illegible] [illegible] [illegible] aliquibus sed non in [illegible] locis [illegible] [illegible] [illegible] [illegible] [illegible] huiusmodi [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] huiusmodi citationis [illegible] [illegible] quod [illegible] [illegible] citatus ad [illegible] [illegible] ad [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] contra [illegible] quia [illegible] non in [illegible] [illegible] [illegible] quod [illegible] [illegible] ad [illegible] [illegible] sed non [illegible] citatus [illegible] allegabam [illegible] [illegible] que [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] ad [illegible] de [illegible] in [illegible] aliquis [illegible] nisi fuerit [illegible] vel [illegible] vel nisi [illegible] [illegible] vel [illegible] quod non possit ad [illegible] citatus [illegible] vel licet non [illegible] [illegible] et de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] allegat 143

q[illegible] quod [illegible] suffic[it]

cum [illegible] d[icit] s[ed] q[uod] intelligi[tur] q[uod] materia citationis que [con]stituit [illegible] [con]tinentiam [illegible] qui certus est et adeo tamen cum [illegible] sufficit ad [con]parationem [illegible] [illegible] et lit[is] non [con]test[atio] [illegible] s[ed] q[uod] [illegible] et [con]parendum ad quod [illegible] citatur [illegible] sufficit [illegible] de [illegible] et [illegible] c[irca] fi[nem] et de eo [illegible] vel dolo [illegible] oppos[u]it et ubi [illegible] hec

Libellus [illegible] lit[is] [con]test[atio] et oblatio libelli

1Λ2 [Item] [illegible] i[n] [illegible] libello [illegible] [illegible] narratam [illegible] et petito [illegible] [illegible] [illegible] lit[is] [con]test[atio] [illegible] [illegible] lit[is] [con]test[atio] [illegible] [illegible] [illegible] et [illegible] de lit[is] [con]test[atione] et [illegible] [illegible] et [illegible] et cum [illegible] [illegible] de lit[is] [con]test[atione] [illegible] quod [illegible] ubi [illegible] [illegible] q

1Λ7 [Item] si quis [con]testetur lite[m] super libello cui deest [illegible] vel alia [illegible] non est intelligendum [illegible] [illegible] et de [illegible] [illegible] [illegible] [illegible] et non [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] et [illegible] [illegible] glo[sa] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] q[uod] [illegible] [illegible] [illegible] [illegible]

1Λ6 [Item] si libello fiat mentio de aliquo [illegible] vel [illegible] super quibus [illegible] [illegible] libellantis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] est [illegible] et si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et in [illegible] [illegible] [illegible] q[uod] si quis

[illegible] [illegible] q

1ΛΛ [Item] si libello [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] libellantis [illegible] [illegible] [illegible] [illegible] q[uod] libellus [illegible] [illegible] et [illegible] ff de [illegible] [illegible] libelli [illegible] [illegible] [illegible] et glo[sa] [illegible] ff de [illegible] ubi libellus [illegible] [illegible] [illegible] petit [illegible] glo[sa] [illegible] [illegible] [illegible] [illegible] [illegible] libello [illegible] [illegible] libellantis [illegible] ff de [illegible] et [illegible] ff de [illegible] [illegible] [illegible] [illegible] ubi [illegible] [illegible] [illegible] lit[is] [con]test[atio] [illegible] [illegible] [illegible] libello vel [illegible] [illegible] et non [illegible] [illegible]

q [illegible] [illegible] suffic[it] [illegible] [illegible]

[illegible]

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Item si dato libello parti eius petat copiam eius [illegible] ad respondendum libello et reus [illegible] contestando litem et [illegible] negando [illegible] [illegible] et actor [illegible] [illegible] [illegible] non [illegible] debebat [illegible] libellus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dato libello [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] libellus [illegible] actor [illegible] [illegible] narratio facti et petitio [illegible] quibus [illegible] [illegible] [illegible] ad quem [illegible] [illegible] [illegible] [illegible] contestando vel negando [illegible] sufficiat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] libellus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] litigare [illegible] [illegible] [illegible] [illegible] [illegible] debet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod videbatur quod dato libello [illegible] [illegible] [illegible] anno [illegible] litigandi [illegible] [illegible] [illegible] [illegible] ad [illegible] et [illegible] [illegible] in sua petitione statim fiat litis contestatio [illegible] [illegible] [illegible] litigandi quod sufficit [illegible] [illegible] [illegible] anno [illegible] [illegible] statim fiat litis contestatio [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] fuit [illegible] [illegible] magnus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] debita sacerdoti parochiali de legatis quibusdam [illegible] [illegible] [illegible]

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Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in libello et articulis quod pars possit [illegible] et testes deponere [illegible] non [illegible] testes [illegible] [illegible] [illegible] [illegible] [illegible] ordinaria non [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] XVI

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Item si petatur quod declaretur [illegible] [illegible] [illegible] [illegible] [illegible] quod possit [illegible] ad [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] litis contestatio [illegible] [illegible] ordinariis [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et non [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] et in [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] quia [illegible] [illegible] petitur [illegible] [illegible] [illegible] [illegible] [illegible] petitur [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] litis contestatio [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et non [illegible] [illegible] [illegible] [illegible] litis non contestatio et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] litis contestatio [illegible] [illegible] [illegible] [illegible] [illegible]

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Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et litis contestatio [illegible] [illegible] [illegible] ordinarie [illegible] et litis contestatio [illegible] [illegible] [illegible] quod litis contestatio

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est [illegible] et [illegible] judicium et non [illegible] in favorem juris [illegible]
[illegible] [illegible] sed [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] de [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] et non [illegible]
[illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] in glo[ssa] [illegible] de off[icio] de[legati]
et [illegible] [illegible] de re judi[cata] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ubi [illegible] ad [illegible] facit [illegible] ff. de [illegible] [illegible] l. [illegible].

182 Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] — 185
[illegible] et non [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] ordi[narii] [illegible] [illegible] et debentur beneficiato et [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et ibi tenetur
ad restitutionem fructuum et [illegible] [illegible] [illegible] custodie et non [illegible] [illegible]
et non [illegible] [illegible] de [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]

Nota de [illegible] [illegible] [illegible]

183 Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] — 194
[illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible]
ad [illegible] quas [illegible] [illegible] de [illegible] [illegible] et non [illegible] [illegible] [illegible]
et [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de re judi[cata] [illegible] [illegible] [illegible]

184 Item fuit dubitatum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] — 343
[illegible] [illegible] et [illegible] ordo [illegible] et [illegible] [illegible] distinguendo [illegible] [illegible]
[illegible] nullitatis [illegible] notorie [illegible] [illegible] [illegible] non [illegible] [illegible] non [illegible]
[illegible] [illegible] et datio libelli [illegible] [illegible] [illegible] libellus [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nullitatis [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
allegationum [illegible] [illegible] [illegible] ad [illegible] de [illegible] [illegible] et [illegible] de [illegible]
[illegible] et [illegible] [illegible] de re judi[cata] et [illegible] non [illegible] [illegible] [illegible] de
[illegible] [illegible] [illegible] ubi [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] statutum [illegible]
[illegible] et [illegible] de [illegible] [illegible] ordo [illegible] [illegible] [illegible] [illegible] [illegible] statuto
[illegible] [illegible] nullitatis [illegible] aut [illegible] [illegible] de [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] nullitatis [illegible] [illegible] notorie [illegible]
nullitas [illegible] [illegible] nichil [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
notorie [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
ff. ut in poss[essionem] [illegible] l. [illegible] [illegible] [illegible] [illegible] [illegible] ordine non [illegible]
est [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] facit [illegible] [illegible] [illegible]
nullitate [illegible] lata [illegible] [illegible] [illegible] ut non [illegible] [illegible] [illegible] de [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad quam non
[illegible] [illegible] ordine [illegible] [illegible] de [illegible] [illegible] de [illegible] [illegible] [illegible] de
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
ff. [illegible] [illegible] [illegible] l. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

tm desperatione statum deinde ipse est dubius dicendum apud processus
[illegible] [illegible] si [illegible] constat ipsum processum [illegible] [illegible] et esse nullum
[illegible] que sunt publicata [illegible] [illegible] [illegible] [illegible] [illegible] que [illegible]
est [illegible] pro [illegible] [illegible] [illegible] a iudice pro [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] sine difficultate et [illegible] [illegible] est [illegible]
de iudicio et si [illegible] [illegible] allegatis [illegible] [illegible] et [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] nullitatis [illegible] [illegible] [illegible] [illegible] [illegible] et si [illegible] [illegible]
[illegible] [illegible] [illegible] de [illegible] iudicis [illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] de [illegible] iudicis [illegible] [illegible] [illegible]
[illegible] que non [illegible] [illegible] nullitatis [illegible] [illegible] et [illegible] [illegible]
indaginem et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
nullitatis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
qui non [illegible] de officio iudicis [illegible] [illegible] [illegible] [illegible] tria [illegible] [illegible] [illegible]
de officio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] de officio iudicis [illegible] et [illegible]
[illegible] de [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] appellatur [illegible] [illegible] et [illegible] [illegible] [illegible] libellus [illegible]
[illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] appellatio est [illegible] [illegible] [illegible] de [illegible] de appellatione et [illegible]
[illegible] [illegible] appellatione non [illegible] [illegible] [illegible] [illegible] [illegible] de appellatione [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellatione [illegible] [illegible] nullitatis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellationem
[illegible] [illegible] [illegible] [illegible] [illegible] de appellatione [illegible] [illegible] [illegible]
[illegible] est [illegible] [illegible] [illegible] appellationem et [illegible] [illegible] [illegible] appellatione [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et non [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] acta que sunt [illegible] et [illegible] [illegible] iudicis [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] iudicis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] nullitatis [illegible] [illegible] [illegible] [illegible] ad

impediendum [illegible] et tunc [illegible] est [illegible] libellus [illegible]
[illegible] fit [illegible] oportuno [illegible] impedimento [illegible]
[illegible]
[illegible]
[illegible] absolvendo [illegible] restitui [illegible]
libelli oblatio [illegible]
[illegible] libello [illegible]
[illegible]
vel tangendo [illegible] libelli est [illegible] difficultas [illegible]
[illegible]
[illegible] implorari [illegible]
officium iudicis [illegible] respondendo [illegible] petitur [illegible]
[illegible] respondi [illegible]
[illegible]
[illegible] implorari [illegible] officium iudicis
[illegible] respondendo [illegible] respondi
[illegible]
[illegible] intelligit [illegible]
[illegible]

185 [illegible] restitutionis [illegible] et aliis
[illegible] supplendo [illegible]
[illegible] ordo [illegible]
[illegible]

186 [illegible] agit [illegible] possessionis [illegible]
[illegible] religiosis [illegible]
[illegible] et religiosis [illegible] possessionis [illegible]
[illegible]
[illegible]
[illegible] possessionis [illegible]
[illegible] libere [illegible]
[illegible]
[illegible] religiosi [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
possessio [illegible] possessionis [illegible]
[illegible]

Rubrica de positionibus et articulis etc.

et sufficit h(oc) oppositum l(e)g(is) p(ro) add(ucta) c(on)tinue ut ubi si q(ui)s agit c(on)tra c(on)spiratam p(ro)titulo et [illegible] c(on)tinuatam possessionem [illegible] tit(ulo) et bo(n)a fide gesta q(uia) no(n) est ostendi c(on)trariam spoliatio qui cum p(ro)p(ri)am possessionem c(on)tinuat n(on) spoliat de testi(bus) ipso obiecti etc cum [illegible] [illegible] [illegible]

Item si p(er) i(n)gelam ipsa beneficia s(ecundu)m ad istam actorem p(er)venit ad mittam(us) ar(ticulo)s tu(n)c [illegible] [illegible] co(n)tra [illegible] co(m)p(re)hensione [illegible] n(on) [illegible] [illegible] beneficia s(ecundu)m ipsa c(on)stitutione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sequi [illegible] [illegible] ipsa c(on)stitutione [illegible] [illegible] [illegible] [illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] actio [illegible] [illegible] [illegible] ut ff de [illegible] [illegible] [illegible] aliud et [illegible] [illegible] [illegible] [illegible] de [illegible] — 187

Item q(uod) ipsa [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] n(on) sit admittendo q(uia) [illegible] [illegible] [illegible] ipsa c(on)stitutione sit [illegible] ut n(on) [illegible] [illegible] [illegible] [illegible] [illegible] sequi et [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] ubi n(on) [illegible] de testi(bus) [illegible] et [illegible] ff de [illegible] [illegible] [illegible] [illegible] [illegible] de app(ellatione) [illegible] [illegible] et de testi(bus) [illegible] [illegible] et n(on) [illegible] — 188

Item q(uod) [illegible] [illegible] a [illegible] n(on) [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] n(on) et [illegible] [illegible] [illegible] — 189

Item q(uod) [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] n(on) sit [illegible] [illegible] [illegible] [illegible] n(on) sit ita plene [illegible] [illegible] [illegible] qui n(on) [illegible] [illegible] [illegible] [illegible] [illegible] n(on) [illegible] [illegible] [illegible] [illegible] — 190

Item [illegible] admittendo [illegible] [illegible] n(on) [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] possit app(ellare) de app(ellatione) [illegible] et [illegible] [illegible] [illegible] [illegible] admissio est [illegible] [illegible] ad [illegible] est [illegible] [illegible] de actu ad [illegible] et [illegible] [illegible] de app(ellatione) [illegible] [illegible] [illegible] et de [illegible] [illegible] [illegible] [illegible] [illegible] admissio [illegible] est [illegible] [illegible] [illegible] articulorum et [illegible] admittendorum et [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] n(on) [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] n(on) [illegible] [illegible] [illegible] — 191

[illegible] [illegible] [illegible] [illegible]

de eo qui [illegible] [illegible] cotingat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] vel
[illegible] [illegible] [illegible] et audit[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad totam [illegible] et
ad singulos [illegible] [illegible] ad [illegible] [illegible] [illegible] et [illegible] [illegible]
sunt [illegible] et alibi [illegible] sunt [illegible] [illegible] [illegible] [illegible]
[illegible] vigore [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] audit[illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

192 ~~172~~ Item [illegible] [illegible] [illegible] [illegible] volunt [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] — 104
[illegible] [illegible] articuli qui sunt [illegible] [illegible] [illegible] et alios [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] possit et debet admitti de
[illegible] [illegible] [illegible] [illegible] [illegible] esset [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

193 ~~173~~ Item [illegible] que [illegible] esset [illegible] et [illegible] vigore [illegible] si [illegible] — [illegible] 828[a]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et est ad
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

194 ~~174~~ Item si [illegible] [illegible] in [illegible] et [illegible] aliquos [illegible] [illegible] [illegible] non [illegible] — 173
puta [illegible] [illegible] non est [illegible] in [illegible] [illegible] [illegible] non [illegible] admitti
[illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Nicolaus [illegible]
[illegible] [illegible] [illegible] [illegible] dubitabat [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
sibi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] [illegible] que [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] que [illegible] vel [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] puta [illegible] [illegible] [illegible] debet [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quod ego [illegible] [illegible] vel aliquid
aliud [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] et si [illegible] [illegible] non [illegible] [illegible]
ego [illegible] [illegible] [illegible] et [illegible] [illegible] in [illegible] [illegible] [illegible]

n[illegible] obiectum [illegible] admittenda [illegible]
[illegible] pendente [illegible] repetere posset [illegible] alias
[illegible] admittenda [illegible] forma [illegible] et [illegible]
constitutionem [illegible].

259 Item lex [illegible] obiectum [illegible] requiritur [illegible] magna [illegible] 197
[illegible] libellorum [illegible]
[illegible] constitutionem [illegible] ad [illegible]
[illegible] et [illegible]
[illegible] libellorum [illegible]
[illegible] aliorum [illegible]
[illegible] et lex [illegible] quod [illegible]
[illegible] esset [illegible] quod alio [illegible]
[illegible] et sic non admissibilis [illegible].

261 Item [illegible] quod dicit [illegible] beneficium aliquod [illegible] et [illegible] 196
esse petens [illegible] restitutionem [illegible]
[illegible] alio [illegible]
admittendum ad probandum [illegible] pendente [illegible] restitutionem [illegible]
et [illegible] probabit [illegible] restitutionem [illegible]
[illegible] videbatur [illegible]
[illegible] esse admittendum quod non est [illegible] alius
[illegible] et quod [illegible]
[illegible] canonice est [illegible]
[illegible] cadit in [illegible] restitutionem [illegible] et [illegible] ad [illegible]
[illegible] allegantem [illegible] ad
[illegible] et [illegible] restitutionem [illegible]
quam [illegible] quia dicit [illegible] petentem restitutionem
beneficiorum [illegible] ab illo qui habet auctoritatem instituendi
et [illegible] aliquid [illegible]
in [illegible] non esse [illegible]
[illegible] quod non admittitur aliquis restitutionem
petentem beneficialem nisi [illegible] et [illegible] aliquem titulum coloratum
[illegible] et [illegible] possessionem et
[illegible] restitutionem [illegible] videbatur
aliud esse de probatione et aliud de probando [illegible] de probatione et
[illegible] restitutionem [illegible] probatio sit
[illegible] coloratus et sic [illegible]
de probando [illegible] coloratum [illegible] titulum
[illegible] probandum [illegible] dicitur
[illegible] canonice institutus [illegible] obstat
[illegible] restitutionem [illegible] admittendum

[illegible] ... quod [illegible] ... est [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] aliquam [illegible] ... [illegible]
[illegible] et [illegible] ... non possit [illegible]
[illegible] ea que [illegible] et non [illegible] ... et [illegible]

264

197 Item quod procurator articulos datos per eum etiam per [illegible] tamquam datos per errorem etiam non facto de errore ut revocare de usu stili et observantia palacii licet de iure forte est contrarium observandum prout [illegible] et non de confess. c. si licet. et ibi per Innocentium quemcumque stilum dixerunt aliqui esse indifferenter observandum et in causis beneficialibus et matrimonialibus in quibus vertitur periculum anime non ut supra revertens ad procuratores qui non sunt ita bene instructi et idem semper et frequenter dant et ponunt contra se novas informationes eis missas non dant periculosos suos que postea revocat et admittitur eos revocatio salvis tamen contrariis super errore ut [illegible] [illegible] in causis [illegible] item [illegible] articuli sunt dati per [illegible] [illegible] aliquos [illegible] admittitur revocatio [illegible] ad [illegible] ut ad [illegible] contra [illegible] non in [illegible] in positionibus de confess. [illegible]

257

198 Item si opponatur alicui quod beneficium per eum in curia resignatum et post [illegible] resignationem admissam [illegible] beneficium tenuit et fructus percepit per se vel alium [illegible] [illegible] et de eius mandato [illegible] non esset [illegible] qua [illegible] quia [illegible] sit [illegible] [illegible] est [illegible] [illegible] ut in [illegible] super [illegible] et [illegible] et [illegible] et tamen [illegible] constitutionem [illegible] et idem [illegible] [illegible] de [illegible] impetrante et obtinente [illegible] [illegible] suo per acceptationem alterius beneficii per se vel alium facta quam non bene specificat

256

199 Item [illegible] sit [illegible] doctores in [illegible] et [illegible] [illegible] quibus [illegible] [illegible] [illegible] apparuit [illegible]

habuerit p[er] indubitato q[uod] [illegible] non p[ro]bat [illegible] oppositu[m] [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Item si [illegible] — 200
[illegible]

Item si [illegible] — 201
[illegible]

Item [illegible] — 202
[illegible]

[illegible] (marginal note)

Item si [illegible] — 203
[illegible]

[illegible]

[illegible: marginal note]

203
183

[illegible]

204
362

[illegible]

[illegible]

206

[illegible]

iniuriae

207

[illegible]

208

[illegible]

209 Item libellus [illegible] — 160

[illegible]

210 Item [illegible] restitui ad [illegible] — 279

[illegible]

211 Sed [illegible] — 280

[illegible]

281

De quibus dubitabatur forent beneficium in spirituali apprehensa et possessa petit et debent se restitui ad omnia alia ... et per unius [illegible] apprehensionem et agitationem possessionis apprehensa et possessa videntur quod est contra possessionem ... possessioni totius esse censetur ff de acquirenda possessione l. ... est ... et qui quamlibet partem fundi possidet totum fundum possidere censetur ff de acquirenda possessione l. possideri et quia [illegible] totum [illegible] videtur de ... l. ... quia [illegible] audit. super ... et in ... beneficialibus de ... et in ... super ... quod super ... in 2a lectura ... ita quod [illegible] ut super ... et [illegible] individualibus et [illegible] ... quando ad ... et possessionem dico ... super [illegible] dicit possessionem super ... ut [illegible] ad alia ... ad apprehensa et possessa ... restitutionem nisi quo ad possessa et capta ... tenet ... ibi et ... esse ... canonicus ... alias super canonicus ... possessionem ... et ... ad quod ... possessionem ... ad ... canonicalem et ... et ... de ... super ... et ... quod ... possessionem ... quia de super ... et possessionem ... possidere ... de ... et de ... facit ... de ... aliquam ... possessionem ... quod est ... de ... ex ... 212

[illegible]

186 Item si impetrans aliquam ecclesiam ... per ... vacantem ... conferat ... et ... statuto ad ... sufficit ... vacandi possessionem ... de ... de ... super ... et ... vacandi ... ut ... esse ... de ... super ... et ... impetrans ... vacandi ... et ... super ... de ... esse ... et ... impetrans ... et ... vacandi ... canonicus ... et ... canonicus ... ut ... et ... agris ... soluta 213

212 Item si quis probaverit se [illegible] tenuisse aliquod beneficium [illegible] per triennium [illegible] ad probandum [illegible] et [illegible] probandi. Nam sufficit si [illegible] beneficium quod quis obtinet licet non [illegible] apud beneficium et si [illegible] sit ad [illegible] quem sibi obesse non [illegible] in dicto [illegible] de probando.

87

214 Item si probetur aliquem tenuisse et possedisse dictum beneficium [illegible] per [illegible] obitum [illegible] possedisse nisi probetur [illegible]. Nam qui [illegible] possedit [illegible] possessorem [illegible] et [illegible] non [illegible] et [illegible] titulus [illegible] et [illegible] quod [illegible]

127

216 Item sufficit acceptasse beneficium [illegible] probare [illegible] non [illegible] tempus [illegible]. Nam si probetur [illegible] acceptationem [illegible] tempus [illegible] quolibet [illegible] et [illegible] et [illegible] [illegible] et [illegible] ad [illegible] probare [illegible] [illegible] et [illegible] et [illegible] [illegible] electionis [illegible] electionem [illegible] [illegible] et si [illegible] legitimorum [illegible] non [illegible] non [illegible] electio ut non [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] sufficit se probare [illegible] tempus [illegible] probare [illegible] videtur [illegible] quolibet [illegible] [illegible] et [illegible] [illegible] [illegible] sit [illegible] et [illegible] [illegible] electionem [illegible] electionem [illegible] legitimitate [illegible] electio ut non [illegible] [illegible] et [illegible]

128

217 Item quod [illegible] capituli [illegible] probare [illegible] quod [illegible] est [illegible] ut [illegible] et [illegible] et [illegible] Item [illegible] regula [illegible] obligationes [illegible] et [illegible] [illegible] et [illegible] dicens

250

non esse: petrus dicit quod quia statuta sunt de esse legis ut l. licinnia C. de l. dict.
dom. sed hic nullus aptat ex d. c. et si ymago esset vetusta statuta ad
ea poterit constitutionibus specialibus ita quod aliquid sit aliud sed non habent nisi
de scripto producantur. et videndum ad predicta. nonnulli tamen aliqui
dicunt quod si statutum esset antiquum et de longissimo tempore quo non si
esset redactum in scriptis difficilis possit probari statutum quod aliqui statutum
lacunas probari. respondeo quod statutum sit cum legalitate [illegible]
[illegible] l. et no. de proba. in c. ex et c. cum causam. de fi. instr. vide per
ad causam lecti. arg. l. de l. [illegible]

Item licet in casum cum absent quod non possit probari nec possit probari
[illegible] nisi per duos testes etiam etiam [illegible] et c. ex parte de cons. ecclesiis. l. in
et alibi tamen vide. quando de [illegible] quod collatio facta [illegible] de beneficio
[illegible] ad [illegible] nec licet nisi [illegible] per laicos patronos
[illegible] [illegible] [illegible] collationem [illegible] de tali beneficio [illegible]
ad collationem [illegible] aliorum [illegible] [illegible] de quo [illegible] [illegible]
[illegible] non [illegible] testes [illegible] per [illegible] contra [illegible] et completa
[illegible] quae [illegible] non est [illegible] per [illegible]
[illegible] [illegible] [illegible] licet aliqui [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] sicut [illegible] [illegible] [illegible] licet [illegible] ubi
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] agitur
[illegible] [illegible] et [illegible] [illegible] nisi [illegible] de [illegible] [illegible]
[illegible] [illegible] esset [illegible] [illegible] et [illegible] et [illegible] [illegible] de
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] licet
et [illegible] [illegible] et [illegible] [illegible] [illegible] non [illegible]
[illegible] [illegible] allegata. et [illegible] [illegible] [illegible] vocabulo
ff de l. i. l. [illegible] [illegible] [illegible] [illegible] notarium ff de testi. et
[illegible] distinctio [illegible] [illegible] ad [illegible] in l. [illegible] i. et in [illegible] ff de
[illegible] [illegible] [illegible] [illegible] distinctionem [illegible] de codi. l. i. dicit
[illegible] [illegible] de voluntatis [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] [illegible] [illegible] sufficiunt duo testes et
[illegible] [illegible] notarium [illegible] [illegible] ad [illegible] [illegible] l. [illegible]
et cum [illegible] glo. de [illegible] [illegible] [illegible] quod [illegible] [illegible]
[illegible] [illegible] [illegible] et non [illegible] 2. [illegible] [illegible] et [illegible] licet
aliqui [illegible] [illegible] et [illegible] dicunt quod [illegible] [illegible] [illegible] [illegible]
aliis [illegible] [illegible] [illegible] [illegible] [illegible] Item [illegible] [illegible]

quod motiva supposita sunt non probata nisi per libros de professione [illegible]
[illegible] quod non ostenderet sic esse ad [illegible] / sicut hospitali nisi [illegible] contra
formam [illegible] ordinandus et de probatione per libros [illegible] et [illegible] contra
formam non probata nisi per libros et [illegible] per [illegible] glosa [illegible]
[illegible] quod [illegible] de toto [illegible] et [illegible] de toto [illegible]
de remittendo et [illegible] consequenter [illegible] contra formam [illegible] probata
nisi per libros et supponitur quod [illegible] contra formam [illegible] alle[gata] [illegible] de fide
[illegible] libro [illegible] glosa et [illegible] allegatur [illegible] alle[gata] [illegible]
[illegible] concilii [illegible] de [illegible] nisi [illegible]
[illegible] consuetudini non probata [illegible] aliud [illegible]
[illegible] alle. regula [illegible]
nisi [illegible] non [illegible] et si [illegible]
[illegible] et [illegible] non [illegible]
[illegible] ut [illegible] non [illegible]
[illegible] et de regula [illegible] et [illegible]
de regula [illegible] et [illegible] de [illegible]
[illegible] probat [illegible] probatione [illegible]
[illegible] est [illegible] est [illegible]
[illegible] non sufficiat probatione [illegible] probationem [illegible]
de quibus [illegible] de [illegible]
[illegible] alle. [illegible] alle. [illegible]
[illegible] / [illegible] legista [illegible]
[illegible] non [illegible] dispensationem [illegible] ut [illegible] probatione
[illegible] non [illegible] testium [illegible]
[illegible] per [illegible] probat [illegible]
dispensationes sufficit [illegible] ut [illegible] et [illegible]
[illegible] agitur [illegible] dispensatione [illegible] dispensandi
[illegible] dispensa[illegible] [illegible]
[illegible] probationem [illegible]
significat [illegible] allegabatur [illegible] legis [illegible]
[illegible] ad [illegible] super [illegible]
[illegible] ad [illegible] [illegible]
[illegible] ad aliam [illegible]
[illegible] apud [illegible] testibus [illegible] quod [illegible]
[illegible] quod [illegible] non [illegible] de ista forma oportebit [illegible] per libros

ite dicit testator quod non [illegible] sufficit quod alter [illegible] [illegible]
[illegible] de testamento [illegible] et [illegible] superadicta [illegible] et [illegible]
quod leges [illegible] pretenderet. Hic non [illegible] auctoritas publica legis
[illegible] [illegible] obstaculum [illegible] tolle.
legis non [illegible] et ff. de [illegible] l. [illegible] [illegible] si [illegible]
non [illegible] et lex que [illegible] ff. ad l. [illegible] qui admittit ad bonorum possessionem
facit [illegible]. [illegible] quod quamvis non possit [illegible]
qui datur [illegible] de hered. et de [illegible] legibus [illegible] si [illegible]
etc. ff. de [illegible] l. [illegible] et ff. de [illegible] l. [illegible] facit [illegible]
de quo [illegible] alia lex [illegible] facientes ad
[illegible] quo dicit quod si aliquis [illegible] filius [illegible] aliud [illegible]
[illegible] filius [illegible] et [illegible] tollat
legis de illo [illegible] non faciet [illegible] et hoc facit [illegible]
illud [illegible] [illegible] primo [illegible]
[illegible] filios [illegible] et hoc ad tollendum obstaculum
[illegible] sufficit [illegible] legis [illegible] legis [illegible] non
[illegible] et l. [illegible] attentissime [illegible] Et est bona [illegible]
[illegible] si [illegible] libera [illegible] finali [illegible]
quod ipse [illegible] publice [illegible] libera [illegible] ad ministerium
[illegible] et [illegible] laicum [illegible]
[illegible] quod aliquis [illegible] libere testamenti factionem et filii [illegible]
[illegible] et ff. de [illegible] testa. l. [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] l. [illegible]
[illegible] [illegible] quod si [illegible] [illegible] sit [illegible]
quod de obstaculo et [illegible] tollendo [illegible] fiat [illegible]
et [illegible] et [illegible] et [illegible]
[illegible] et [illegible] [illegible] quo ad [illegible] alios [illegible]
regula [illegible] [illegible] firmat [illegible]
et ff. de [illegible] l. [illegible] [illegible] [illegible]
[illegible] alter [illegible] ad [illegible] et facit [illegible] quia [illegible]
quod ibi dicitur [illegible] ad [illegible] et [illegible] et ibi
[illegible] glo. [illegible] non [illegible] [illegible]
[illegible] [illegible] [illegible]
alia [illegible] [illegible] [illegible] de [illegible]
[illegible] non [illegible] quod [illegible] [illegible]
[illegible]. et non [illegible] et [illegible] [illegible] –

ut ipse est ad probandum ut l. actor C. de pba et t. qui [illegible] et ti
uel nimis difficiles ut no. i. glo. ult. de [illegible] t. si [illegible] [illegible] [illegible]
scia et voluntas de qua loquimur ualitorum negatiuam sed simpliciter
affirmatiua includit que est probabilis c. ut dicta l. actor quo
quia cum [illegible] de ligum motus [illegible] et voluntas possit
probari per [illegible] et per alias coniecturas pregnantes et
verisimiles licet hec non comprehendatur in l. ut puta [illegible] [illegible]
uicesimo absenti et ignoranti et uicinoli de [illegible] [illegible] quedam
annos [illegible] beneficium [illegible] [illegible] [illegible] ego et aliquos
quando [illegible] supplicauit ut uerisimile est quia [illegible] [illegible]
quod supplicauit [illegible] cum [illegible] [illegible] probat. sufficit.
de [illegible] c. affectet c. [illegible] et c. quia no. [illegible] uerisimile [illegible] [illegible]
[illegible] pro dicto quod [illegible] [illegible] [illegible] [illegible] [illegible] quod
ubi agitur de [illegible] [illegible] [illegible] [illegible]

Item quod [illegible] [illegible] quia non [illegible] ad beneficium et ad hospitale quod non
est beneficium [illegible] [illegible] [illegible] agitur [illegible] in [illegible] [illegible]
[illegible] Item quod ubi agitur de qualitate non [illegible] [illegible]
non agitur de [illegible] non [illegible] [illegible] fauorabilius [illegible]
patet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] non
est [illegible] si [illegible] [illegible] [illegible] [illegible] [illegible]
non obstat si dicatur quod [illegible] est [illegible] [illegible] [illegible] [illegible]
quod [illegible] [illegible] quod [illegible] [illegible] non potest [illegible] [illegible] dico quod [illegible]
[illegible] non [illegible] quod sit [illegible] [illegible] tota [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quo
[illegible] [illegible] [illegible] [illegible] [illegible] negatiua est
est [illegible] [illegible] quae possit obstare ut in l. [illegible] qui [illegible]
de [illegible] [illegible] [illegible] non ob. [illegible] [illegible] [illegible] [illegible] quod ubi
[illegible] de [illegible] in corpore [illegible] legati [illegible] persona legatarii et sic
stat [illegible] [illegible] et [illegible] testes admissi in duo testes [illegible] [illegible]
scia et volun. [illegible] [illegible] [illegible] quod patet et desunt [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

219 Item si mandatur [illegible] [illegible] quod si [illegible] [illegible] sibi constiterit
neutri litigantium [illegible] [illegible] in beneficio [illegible] sufficientiorem [illegible]
sufficiens [illegible] si [illegible] [illegible] [illegible] [illegible] [illegible] alium in litteratura
in moribus uita nobilitate etate et [illegible] [illegible] [illegible] [illegible]

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sufficientiam alio et propter all. bene decisionis de leg. de supplacione
iste ergo all. stolu [illegible] vbi cum ipse dicitur de
sufficiencia in testes presentandum an opinionem et circa eos sciendum est
et probari possit in testes quos ad electos aliquos punctos et speciales
ad que est fuerit col. ele. 45. de prefacione secundum regula et sic circa
num et scienda produci de confirmacione et probacione contradicatur
sed opus sic requiret de [illegible] faciendum de predictis quoniam hic pro
cum ad predicationes valuit dicere hic tempus dicitur quod ipse de
tercia vide et examinari quod circa hic possit prode. quos ad litteram
sine scientiam de opus non possit alio modo ostendi nisi per examinationem
fieri quod hic et non est si forte de electione hic est quod tantum
unum nisi possit ostendi per testes vel hoc bene per inductionem
in bene scia et aliud non graduatum et sic fieri tam etiam
ydoneitatem tantum quoniam sed ubi ambo non habent gradum
vel possit ostendi quod esset alio litteratior et tunc tantum producendum
dum dicit scripsit alius non decretas aut glosatos [illegible]
tantum probandos per testes et non item si forte sunt et de eodem
de ele. et ex [illegible] in hoc predictis de off. dele. et ele. bene de press.
pla.

Item leg. superius tractatum certum corpus beneficii valoris cuiusdam beneficii
fide igitur per opposita probabitur [illegible] non negat. [illegible]

[illegible] est hic 2m cum sic non prodit valorem probandum beneficii
[illegible] in opposita possit si ad obtulit per [illegible] quia
tunc esset indubitatum sed si [illegible] tamen [illegible] plus de novo
[illegible] tunc 2m aliquis [illegible] distinguendum a simplici beneficii
[illegible] dampna ut scire et opposuit bonum vel magnum valorem
[illegible] quod gratiam [illegible] faciens non [illegible] quia si opposita
[illegible] valorem tunc non [illegible] ad probandum aut est dignitas
vel beneficium curatum et opposita valor modicus quia tunc
[illegible] quod valuit [illegible] et quia ista beneficia [illegible]
et debet esse magis [illegible] et [illegible] quam alia de [illegible]
[illegible] ut quod [illegible] tunc [illegible] probare valorem
[illegible] est hic 2m cum quod aliquis [illegible] probat [illegible] ex parte
sed [illegible] primo et hic [illegible] si non negatur valor [illegible]
[illegible] si negatur tunc plene probare [illegible] ergo [illegible]

cu[m] no[n] legissit q[uod] impetrans tenetur ad valorem vel d[e]i[n]c[e]ps alia
[illegible] beneficium obtenti facit mentionem [illegible] [illegible] qui lic[et] et no[n] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] ad [illegible]
faciendum [illegible] [illegible] ad [illegible] [illegible] et [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] q[uod] [illegible] [illegible]
[illegible] [illegible] valor [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] aut [illegible] [illegible] [illegible] [illegible]
[illegible] et volunt et ordinant q[uod] [illegible] impetrans [illegible] benefi[cium]
vacans vel [illegible] [illegible] de valore [illegible] [illegible] [illegible]
[illegible] de valore [illegible] beneficiorum que obtinuit t[em]p[o]re impetrationis
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
q[uod] est [illegible] aliter volunt et [illegible] [illegible] [illegible] [illegible] [illegible]
vel [illegible] [illegible] [illegible] [illegible] [illegible] esset facta [illegible] [illegible] volunt
et ordinant [illegible] observari.

221 Item q[uod] sufficit [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] et alia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] impetrans [illegible] ad [illegible] [illegible]
[illegible] facit [illegible] [illegible] [illegible] [illegible] xxi. di[stinctione] [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible]

Verba de [illegible] [illegible] [illegible]

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222 Item q[uod] impetranti [illegible] [illegible] [illegible] de beneficio [illegible] [illegible].
sufficit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] duos an[nos] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] beneficium [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et no[n] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] que [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] sufficiat [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]

Ant. [illegible]

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223 Item si impetretur beneficium vacans [illegible] [illegible]
no[n] sufficit [illegible] [illegible] [illegible] [illegible] vel q[uod] [illegible] sit

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Rubrica de remissionibus

spiritualia sed [illegible] [illegible] [illegible] compositio litterarum non fuit 220
[illegible] ut non in [illegible] et de [illegible] [illegible] [illegible] [illegible] concluditur

Item fuit dubitatum [illegible] [illegible] duorum mensium ut terminus
datorum in remissione domini Petri presbiteri [illegible] [illegible]
[illegible] et litterarum et [illegible] et [illegible] [illegible] [illegible] impedimentum
[illegible] parti [illegible] [illegible] [illegible] [illegible] tempus factum non fuit
[illegible] [illegible] litterarum [illegible] [illegible] [illegible] tempus [illegible]
[illegible] [illegible] [illegible] [illegible] aliud tempus videtur [illegible]
[illegible] [illegible] et non [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] tempus possit prorogare [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] tempus est [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
parte [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] tempus [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] impedimentum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad
[illegible] [illegible] tempus [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] et
[illegible] [illegible] [illegible] tempus [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] impedito tempus [illegible] et [illegible]
non [illegible] [illegible] [illegible] aliud [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fuit [illegible]
et [illegible] [illegible] [illegible] [illegible] impedimentum [illegible] [illegible]
[illegible] et sic fuit [illegible] et [illegible]

[illegible]

Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 224
[illegible] [illegible] ad [illegible] [illegible] non [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

tur ex quadam commissio quod dum admittanda [illegible] auditor [illegible]
aliqua esset et calle[illegible] [illegible] et [illegible] ut [illegible]
[illegible] testi eadem [illegible] igitur [illegible] commissio [illegible]
[illegible] et [illegible] de testi [illegible]

226 Item licet in questione que fit ad partes [illegible] dicatur
quod [illegible] testes [illegible] et examinandi
sufficit tamen quod recipiantur [illegible] et fiat aliquis [illegible] examinandi
examinandos [illegible] item [illegible] recepta est [illegible]
[illegible] de offi[illegible] dicitur 2 [illegible] examinatio est facti et [illegible]
[illegible] et [illegible] [illegible] de [illegible] ad [illegible]
[illegible] si [illegible] debent ambo [illegible] quod [illegible]
[illegible] et [illegible] longam distantiam testium [illegible]
[illegible] esset recepti [illegible] posset [illegible] et [illegible]
[illegible] de [illegible] de testi [illegible] et [illegible]
[illegible] de testi [illegible] qui [illegible]
[illegible] et dicit quod [illegible]
[illegible] otto decr[illegible]

227 Item [illegible] commissionis est [illegible] ad
partes [illegible] auditor [illegible] [illegible]
testi si [illegible] commissioni [illegible] manum
[illegible] ad [illegible] et ut [illegible]
[illegible] otto decr[illegible] de [illegible]

228 Item quod instrumenti [illegible] ad [illegible] appellandum
ad [illegible] commissio ad partes [illegible]
et non [illegible] et de [illegible] et [illegible] et [illegible] de app.
[illegible] instrumenti [illegible] signa et sigilla [illegible]
[illegible] commissio
quod illa [illegible] quod [illegible] potest [illegible]
[illegible] et [illegible] [illegible]
et aliis [illegible] et [illegible]
[illegible] commissio quod [illegible]
[illegible] de [illegible] et [illegible] de app.
[illegible] et [illegible] [illegible]
[illegible] testes et [illegible] commissio [illegible]
testi de testi [illegible] et [illegible] de testi [illegible]
in [illegible] si signa [illegible]
[illegible] et [illegible] de testi [illegible] et
[illegible]

305 Item si [illegible] [illegible] et [illegible] ad[illegible] [illegible] 229

[illegible] [illegible] [illegible] [illegible] admiss[illegible] [illegible] 229

[illegible] non est [illegible] [illegible] [illegible]

[illegible] ad [illegible] [illegible] [illegible] ad [illegible]

[illegible] et [illegible] [illegible] et non [illegible]

[illegible] et [illegible] et [illegible] [illegible] et [illegible] [illegible]

Fabrica [illegible] et [illegible]

Item [illegible] [illegible] et [illegible] [illegible] 230

[illegible] [illegible] ad [illegible] [illegible] et [illegible]

et [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] et [illegible] [illegible]

[illegible] [illegible] [illegible] ad [illegible] et

[illegible] [illegible] [illegible] ad [illegible] [illegible] et

[illegible] et [illegible] et [illegible] et [illegible]

[illegible] et [illegible] [illegible] ad [illegible]

[illegible] et [illegible] [illegible] et [illegible]

[illegible] [illegible] [illegible] [illegible]

et [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] ad [illegible] [illegible] [illegible]

[illegible] ad [illegible] [illegible]

E Antiquus 290

Item et [illegible] [illegible] [illegible] et [illegible] 231

[illegible] [illegible] [illegible] et admissionem

et [illegible] [illegible] [illegible] facta [illegible]

et non [illegible] et [illegible] ad [illegible]

[illegible] [illegible] et non [illegible] [illegible]

F Antiquus 297

Item valent acta agitata [illegible] coram officiali [illegible] 232

[illegible] [illegible] [illegible] [illegible]

est [illegible] et [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] aut [illegible] [illegible] [illegible] et

[illegible] ad [illegible] acta [illegible] valeant [illegible]

et non [illegible]

217 Item [illegible] [illegible] et [illegible] ad [illegible] et [illegible] 233

[illegible] et [illegible] [illegible] et non

[illegible] et [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] ad [illegible]

[illegible] et [illegible] [illegible] et [illegible] ad [illegible]

ubi no. ff. ad exhibendum l. in h(oc) a(ctione) de edendo l. [illegible] [illegible] dicendum
[illegible] aliqualiter licere et presertim argumentum puta quando petit copiam
parentis exhibendam quare id petat et quod dicat se exponere [illegible] salvum
[illegible] [illegible] per [illegible] generaliter [illegible] dum quod [illegible] dicetur. solummodo

Sic calumpniose

[illegible] [illegible] [illegible] [illegible] non petat [illegible] et [illegible] [illegible] alt.
[illegible] mediante [illegible] de [illegible] [illegible] [illegible] [illegible] quod iudex [illegible]
[illegible] [illegible] debet agere [illegible] ad exhibendum [illegible] iusticia qui [illegible] ponit
[illegible] ut ibi [illegible] [illegible] [illegible] petit [illegible] ad exhibendum et [illegible] [illegible]
[illegible] [illegible] ff. ad exhibendum et [illegible] [illegible] [illegible] [illegible] videndum [illegible]
[illegible] et non [illegible] [illegible] et [illegible] et non [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] et nota [illegible] qui sit [illegible] [illegible] [illegible] et qui non sit
qui [illegible] ad [illegible] [illegible] [illegible] plene [illegible]

233 Item lex 2a [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] 268
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] notarius [illegible] [illegible]
qui illa [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible]
[illegible] [illegible] qui [illegible] non sunt [illegible] [illegible] ad dicendum [illegible]
[illegible] dicat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] illa [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible].

234 Item quod [illegible] [illegible] [illegible] notarius [illegible] [illegible] [illegible] [illegible] et [illegible] 285
qui [illegible] et [illegible] [illegible] [illegible] notarius [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. Nam [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et non [illegible] [illegible] [illegible] et plene [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] qui sit [illegible] [illegible] [illegible]

Nota de testibus et attestationibus

236 Item [illegible] [illegible] [illegible] [illegible] testes [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] tales testes [illegible] [illegible] [illegible] [illegible] quod ad [illegible]
[illegible] et quod [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]

et p[ro]ximo in regula [illegible] ... et eciam
[illegible] signor[um] sigillor[um] et notarior[um] [illegible]

384 — 237

Item fuit dubitatum utrum adherentes appellacioni [illegible] possint esse testes [illegible] et [illegible] arg[umentum] fuit [illegible] et [illegible] [illegible]

[illegible]

394 — 238

Item si ad instanciam [illegible] testes [illegible] et [illegible] fuit dubitatum utrum [illegible]

[illegible]

121 [illegible]

239 [illegible] 395

240 [illegible] 92

157 Item quod sollicitator [illegible] et placitans [illegible] ad sollicitandum [illegible] esse testis [illegible] in maiorem [illegible] repelli [illegible] ad sollicitandum [illegible] testis [illegible] 291

108 Item licet [illegible] testes [illegible] admitti [illegible] 292

326 Item quod [illegible] non admittitur [illegible] repelli [illegible] testes [illegible] 293

hoc de iure [illegible] sequentur possit [illegible] quod [illegible] non
[illegible] facit [illegible]
[illegible] Item quia [illegible] rectis [illegible] placent
[illegible] voluntate [illegible] et [illegible]
[illegible] est [illegible]

288 Item si testis [illegible] dicit et deponit [illegible]
[illegible] et [illegible] dicit et de-
ponit [illegible] testes [illegible] longe
[illegible] et [illegible]
[illegible] deponendo [illegible]
[illegible] et [illegible] de testibus [illegible] Item
[illegible] et [illegible] de testibus [illegible]
[illegible] et [illegible] de testi-
[illegible] et in [illegible]
et [illegible]

297

287 Item quod [illegible] testibus [illegible] et possid-
[illegible] de testibus [illegible] quod [illegible]
[illegible] et [illegible]
[illegible]

120

286 Item quod [illegible] testium [illegible]
[illegible]
et [illegible] testium de testibus

94

281 Item [illegible] testis [illegible]
[illegible] et [illegible]
[illegible] et deponerent sponte [illegible]
[illegible]
[illegible] testes [illegible] et [illegible]
[illegible] testium [illegible] de testi-
[illegible] et [illegible]
[illegible]
[illegible]
testibus [illegible] et de
[illegible]
[illegible] testes [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] testes [illegible] et [illegible]
et in [illegible]

375

[illegible] ... ex parte ... [illegible] ... collegii
et ... [illegible] ... iudicis et ... [illegible]
[illegible]
[illegible] ... testes ... [illegible]
[illegible] ... rogati ... [illegible] ... testes ...
[illegible]
[illegible] ... testes ... [illegible]
[illegible]
[illegible] ... est et ... [illegible]
[illegible]
[illegible]
[illegible] ... testes ... [illegible]
[illegible] ... testes debent esse rogati et ... [illegible]
[illegible] ... testes debent
esse rogati ... testes ... rogati ... [illegible]
[illegible]
[illegible] ... rogati ... [illegible]

129 Item ... [illegible] 228
[illegible] ... testes ... [illegible]
[illegible]
[illegible]
[illegible] 229

56 Item ... [illegible]
[illegible]
[illegible]

Tabula di[?] vendicacionum — Item ... [illegible] 240
[illegible]

377

[illegible]

Ita et reperitur generale [illegible] q. [illegible] ubi ingressus re-
ligionis [illegible] tenet [illegible] facta professione est rata
ut ext. [illegible] xxxiij di. et lxxxviij di. c. a. et c. si quis [illegible] et
[illegible]
[illegible]
[illegible] ubi [illegible] dicit q. renunciacio beneficii d(ebe)t esse libera
et voluntaria [illegible]
et [illegible] ubi [illegible] ad renunciandum beneficio
d(ebe)t esse libera et spontanea et ibi [illegible] et Steph(anus)
[illegible] q. renunciacio beneficii [illegible]
[illegible]
[illegible] allegant [illegible]
[illegible]
in illo casu [illegible] q. renunciacio [illegible]
[illegible]
ubi [illegible] et Steph(anus) [illegible]
xx q. iij et xxxij q. ij [illegible] ubi [illegible]
[illegible] facta [illegible] tenet et valet [illegible]
voluntas est [illegible]
et [illegible] addit plures alias [illegible]
[illegible]
[illegible] de [illegible] l. [illegible]

241 Item licet verus et possessor beneficii [illegible] renunciat
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Ca(su)s de renunciacione

242 Item si [illegible] renunciant beneficia sua
[illegible]
[illegible]
[illegible]
[illegible] renunciacionem [illegible]
[illegible] renunciacionem

161

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presentatione facta per patronum [illegible] et prelati [illegible] vendicans [illegible] abstabit [illegible] presentatione [illegible] licet [illegible] preveniret [illegible] est [illegible] quedam [illegible] demissio [illegible] in beneficio [illegible] presentatione [illegible] est [illegible] regressus [illegible] obstante [illegible] [illegible] ad [illegible]

273

309

Item [illegible] vendicans [illegible] beneficio [illegible] vendicans [illegible] licet [illegible] et [illegible] vendicare [illegible] licet [illegible] est [illegible] licet [illegible] [illegible] et [illegible]

lata p(er) d(omi)n(u)m [illegible] [illegible] contra [illegible]. Ep(iscopu)s [illegible]
[illegible] p(er) d(omi)n(u)m [illegible] [illegible] [illegible]. Ep(iscopu)s et [illegible]
Cardinalis [illegible] [illegible] 2(?) [illegible] [illegible] apud
[illegible] et [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible]
[illegible] sibi [illegible]. [illegible] aliqui [illegible] [illegible]
[illegible] de [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] que fit in [illegible] [illegible] est [illegible]
[illegible] alij et maior [illegible] [illegible] [illegible] auditor[illegible]
[illegible] [illegible] et [illegible] alij [illegible] [illegible] dari
[illegible] [illegible] [illegible] ad [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] ad d(omi)n(u)m [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible]
[illegible] non habet [illegible] [illegible] [illegible] auditor [illegible]
ad [illegible] [illegible] [illegible] auditor [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] alia [illegible] alia [illegible] et [illegible] 2(?) d(omi)n(u)m [illegible]
[illegible] [illegible] et [illegible] [illegible] beneficio [illegible] [illegible]
[illegible] [illegible] [illegible] beneficio [illegible] et [illegible]
[illegible] quod [illegible] est [illegible] vel auditorem [illegible]
[illegible] et [illegible] obstat [illegible] [illegible] beneficio
[illegible] [illegible] [illegible] non [illegible] obstat [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et non [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
beneficio [illegible] non valeat [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] obstabit [illegible]
[illegible] non [illegible] [illegible] [illegible] auditor [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] auditor
[illegible] sibi [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] beneficio et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]

[illegible]

[illegible] ad [illegible] auditum [illegible] non [illegible] et [illegible]
[illegible] testes [illegible] quod si actus tendit ad [illegible]
[illegible] appellare [illegible]
[illegible] app. [illegible] non [illegible]
[illegible] actus [illegible] sed [illegible] appellationis [illegible] si producit
testes [illegible] ut in [illegible] et [illegible] beneficii [illegible]

277 Item quod surrogatus in lite et [illegible] quod quodlibet [illegible] de facto si in
aliqua parte [illegible] si [illegible] aliqua parte [illegible] sit [illegible] de possessione [illegible] ad possessionem
[illegible] surrogatus [illegible] Nam [illegible]
possessio [illegible] sit facta [illegible] et [illegible] ut [illegible]
[illegible] si fuit [illegible] de [illegible]
[illegible] et [illegible] nulla [illegible] de possessione fuit [illegible]
[illegible] ad possessionem [illegible] surrogatus [illegible] de [illegible]
possessio et [illegible] mandato si [illegible] et
[illegible] depend[illegible] [illegible]
surrogandi [illegible] et [illegible] quod tali quodlibet
[illegible] et quod admittitur ad [illegible]
[illegible] et [illegible] statu [illegible] debet admitti

Iura de surrogatione [margin]

67

278 Item [illegible] in surrogatione [illegible] et [illegible] de facto [illegible] debeat
[illegible] beneficio [illegible] et [illegible]
[illegible] beneficii [illegible]
[illegible] facta de [illegible] beneficiis
[illegible] et [illegible] obtinuit [illegible]
[illegible] surrogari in lite et [illegible] de facto [illegible] surrogationem
de beneficiis [illegible] depend[illegible]
[illegible] reformatio [illegible]
[illegible] beneficia [illegible]
[illegible] Gregorii [illegible] fit [illegible]
[illegible] ad [illegible] et [illegible]
et [illegible] et [illegible] et [illegible] in lite [illegible]
[illegible] et [illegible] obiectio [illegible] quod non [illegible] fuit [illegible]
[illegible] perpetuus [illegible]

278

Iura de [illegible] [illegible] [margin]

279 Item non sufficit [illegible] ad appellandum [illegible] qui [illegible]
[illegible] allat [illegible]
[illegible] et [illegible]
[illegible] esse [illegible] beneficio [illegible] sed ut [illegible]
[illegible] appellationi [illegible] et [illegible] non esset [illegible]
non [illegible] et [illegible]
[illegible] de [illegible] de app. [illegible]

90

fuerunt ad hoc nec presumo ut ... contrarium ... et c. cum ex litteris de restitutione

Item lex ... et restitutione in integrum ... [illegible] 248

notabilia ... et c. ... de restitutione in integrum ... [illegible]

119 ... in integrum ... de restitutione ... de tempore et ...

... [illegible] ... quod ...

... [illegible] ... possessor ...

... [illegible] ... possessor ...

... bona fide possidet et bone fidei possessor ... spoliat ... de restitutione ...

... et c. ... et c. ... ad ...

Item ... restitutio in integrum ... 249

... [illegible] ... quadriennium

168 ... datum ad restitutionem petendam ... [illegible]

... [illegible] ... completa

lesio ... [illegible] ... et

... [illegible] ... de tempore ... et c. ...

... [illegible] ...

... [illegible] ... lesionem ...

... [illegible] ... et ...

... quadriennium datum ad restitutionem

petendam ... de restitutione in integrum

et ... [illegible] ...

... [illegible] ...

... petitur restitutio ... [illegible]

et ... [illegible] ...

... [illegible] ...

... [illegible] ... lesio ... [illegible]

... [illegible] ...

... [illegible] ... in integrum ... [illegible]

et ... [illegible] ...

... petitur restitutio ... [illegible]

... [illegible] ...

... [illegible] ...

... [illegible] ...

... lesio et ... quadriennium ... [illegible]

... [illegible] ...

... [illegible] ...

... [illegible] ...

est lesio ... quadriennium ... restitutionis

[illegible] est [illegible] et [illegible] [illegible] [illegible] restitutio et [illegible]
[illegible] debitor

260 Item quod [illegible] est [illegible] [illegible] et [illegible] [illegible] [illegible] restitutionis [illegible] et [illegible]
[illegible]

261 Item si [illegible] restitutionis ad appellandum [illegible] [illegible] pendente [illegible] [illegible] restitutionem [illegible] [illegible] [illegible]
[illegible] restitutio [illegible] ad appellandum [illegible] restitutionis [illegible] appellationis [illegible] [illegible] restitutionem [illegible] restitutio [illegible] ad appellandum [illegible] appellationis [illegible]

igitur cum tamen lite pendente attemptata fuerint et lite pendente [illegible] ipsa
tamen restitutionis tamen sit locus ad hoc totum negotium renovare et sic nichil
potuit fieri medio tempore negotio sit pendente de appellatione et in c. [illegible] si a
tempore defendo libellum [illegible] per absolutionem [illegible] et lite pendente [illegible]
[illegible] attemptata revocandi [illegible] alia [illegible] iuxta [illegible]
possessionis [illegible] et [illegible] aliquibus quod sic [illegible] non [illegible]
non solum [illegible] alibi dicit [illegible] quod iudex [illegible] possessio [illegible]
[illegible] per [illegible] diffinitivam [illegible] dicitur ad appellandum [illegible] alia
attemptata iudex [illegible] et [illegible] dicit [illegible] quod [illegible]
[illegible] per appellationem et [illegible] sit
[illegible] absolutionem [illegible] ibi [illegible] appellationem [illegible]
[illegible] quod non [illegible] attemptata [illegible] sic fecit alia [illegible]
[illegible] et [illegible] quod aut [illegible] statu [illegible] habet
aut [illegible] [illegible] per [illegible] diffinitivam [illegible] dicitur
iudex [illegible] non [illegible] appellat non [illegible] quod [illegible]
ligat illa [illegible] appellationem [illegible] non [illegible]
[illegible] dicitur et [illegible] [illegible]
[illegible] appellandi quod [illegible] non [illegible] iudex [illegible]
[illegible] et [illegible] quod [illegible]
[illegible] tenet [illegible] et [illegible] ibi [illegible]
non [illegible] iudex [illegible] dicitur non debet [illegible] quia [illegible] male
[illegible] appellationem tenet [illegible] pastorali et quod [illegible]
[illegible] ut [illegible] pastoralis de appellatione. [illegible]
[illegible] [illegible] debent [illegible] de appellatione [illegible] de officio [illegible]
[illegible] post [illegible] et [illegible] de [illegible] aut appellatione
a [illegible] a [illegible] non [illegible] revocandi
[illegible] non [illegible] quod [illegible] revocandi [illegible] sic [illegible]
[illegible] debeat [illegible] non quo ad [illegible] quo ad [illegible]
et de [illegible] et aliis [illegible] dependet [illegible]
illa [illegible] attemptata [illegible] revocanda [illegible] ergo [illegible]
[illegible] c. pastoralis de appellatione quod ibi [illegible] quod per appellationem [illegible]
[illegible] appellationem [illegible] est [illegible] quia [illegible] ubi
et [illegible] tenet [illegible] non tenet et valet
[illegible] quod [illegible] potuit fieri [illegible] nisi [illegible] quod [illegible] absolutionem
et [illegible] non potuit [illegible] debent fieri [illegible] et [illegible]
[illegible] per absolutionem et [illegible] lite pendente et [illegible] iudex
[illegible] revocata [illegible] ad quod [illegible] quod [illegible] per absolutionem
et lite pendente non potuit et debent fieri [illegible] non
obstante tenet et valet et [illegible] de [illegible] et [illegible] de [illegible]
[illegible] alia [illegible] multa fieri [illegible] etc.

de quo [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] agere

[illegible] [illegible] [illegible]
et [illegible]

262 Item possessor beneficii [illegible] [illegible] pro [illegible] [illegible] titulo [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] beneficium [illegible] [illegible] [illegible] [illegible] de [illegible] possessionem [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] possessorii [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] de [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible]

263 Item [illegible] et possessor beneficii [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] detentor [illegible] agere [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] possessionem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ab
[illegible] [illegible] [illegible] [illegible] titulo [illegible] possessionem beneficii [illegible]
[illegible] [illegible] [illegible] titulum de possessione [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] possessionis
de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] agere [illegible] [illegible] et possessor [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] et [illegible] de [illegible] [illegible] [illegible] de
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de possessione [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] titulo
[illegible] et quia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] possessionem [illegible] et [illegible] [illegible] de eo [illegible] [illegible]
[illegible] [illegible] [illegible] detentor [illegible] [illegible] [illegible] possessionem [illegible] [illegible]
[illegible] [illegible] et [illegible] ad [illegible] de qua [illegible] est [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] de possessione [illegible] et [illegible] [illegible]
et ideo est [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] agentis [illegible]

264 de [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] possessionem
[illegible] est [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible]

[illegible] alium [illegible] si ubi [illegible] qui [illegible]
[illegible] et [illegible]

264

Item si utraque [illegible] actor et reus [illegible] beneficio [illegible] plene [illegible] [illegible]

266

Item [illegible] [illegible] defuncto [illegible]

267

Item [illegible] possessor [illegible] beneficium [illegible] [illegible]

268

Item si reus et possessor beneficii [illegible] [illegible]

266

[illegible]

de ele[illegible] mota olim ca[illegible] et te[illegible] tamen aliud edictum ut lite pendente vel appellatione
pendente nil innovetur intelligitur quando aliquid innovatur vel aliquid
in preiudicium partis petitur sed hic nullum preiudicium fiebat parti cum
quia non possidet [illegible] quia pro se nulla et sic non obstat iura ut
lite pendente [illegible] et [illegible] ubi videtur hoc tenere [illegible]
in quo procedit [illegible] qui loquitur que pendente
impetratur lite pendente in preiudicium partis possidentis sic hic non possidet
[illegible]
[illegible] obstante [illegible] tenentis [illegible]
de [illegible] et non de oblatione [illegible] tenentis [illegible]
[illegible] quod si appellatio impetrat [illegible] aliquis [illegible]
[illegible] appellant [illegible] appellatione [illegible] et hic
sunt appellatur [illegible] ad aliud [illegible]
[illegible] quod est [illegible] appellantis [illegible]
appellatione non [illegible] quia [illegible] et sic [illegible]
[illegible] appellatur [illegible] ut lite pendente
[illegible] possessor [illegible] litigiosi aliquam [illegible] et non lite [illegible]
[illegible] non [illegible] in preiudicium adversarii [illegible] de app.
et non [illegible] et lite pendente [illegible]
[illegible] est [illegible]
[illegible] non [illegible] in [illegible] et
lite pendente [illegible] impetrantis [illegible]
lite pendente [illegible] impetrantis [illegible] non [illegible]
[illegible] alios [illegible] producitur [illegible]
[illegible] habebant [illegible]
[illegible] allegatur [illegible] [illegible] ablatio [illegible]
ubi [illegible] lite [illegible] impetrationis [illegible]
[illegible] preiudicium [illegible] et aut [illegible] sed quod [illegible]
quod aliud [illegible] non obstat quod aliud pendente impetratur et non fuit [illegible]
et quod dicit quia [illegible] aliud non [illegible] et sic [illegible]
et solent [illegible] ut lite pendente et [illegible] dicatur quod [illegible]
[illegible] impetrationem [illegible] [illegible]
[illegible] ad [illegible] [illegible] quia [illegible] non [illegible]
[illegible] de [illegible] ad [illegible]
et [illegible] impetrationem sed quod [illegible] quod [illegible] quia
[illegible] habet ad esse et ad non esse [illegible] contingit [illegible] non fuit
[illegible] quia non habet [illegible] de [illegible] fiendi
ut ff qui [illegible] ff. de [illegible]
et ff qui et [illegible] ad ea que [illegible] et frequenter
fiunt non aut ad ea que raro [illegible] contingunt accidunt adaptantur
ff de leg. l. nam ad ea de app. [illegible] concludit [illegible] dixi

distinguendum quia aut spoliatio [illegible] impetrato beneficio racione donationis
aut racione impetrationis vel donationis quam donator de iure [illegible]
non possit [illegible] quod non iuste [illegible] impetrantis spoliatur
in [illegible] et [illegible] ut lis [illegible] addit
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
est [illegible] ad [illegible] lis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
agebatur [illegible] predicto [illegible]

385 Item fuit dubitatum [illegible] quod possit [illegible] suspendi petitorium — 269
in [illegible] et eadem [illegible] an [illegible] puta aliquis [illegible] causa
[illegible] lis [illegible] petitorii et [illegible] lis [illegible]
suspensionem et procedit [illegible]
petitorium an [illegible] et videtur quod [illegible]
[illegible]
[illegible]
an [illegible] et [illegible] est [illegible]
[illegible]
[illegible]
[illegible]
[illegible] suspensionis petitorii
[illegible]
[illegible] possessorii et [illegible]
[illegible]
[illegible]
[illegible]
petitorium [illegible] ultra instantiam quia est [illegible]
[illegible]
[illegible]

[242] de app[ellati]on[e] cessante et c. quesitum ff. de in[tegrum] resti[tutione] l. pomponius [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] possessorio et [illegible]

240 Item si agenti possessorio [illegible]
[illegible]

Antique 475

241 Item intentato petitorio et possessorio coram iudice [illegible] 2 134
[illegible]

143 Item licet soleat sumi in beneficialibus [illegible] — 212

[illegible]

Item [illegible] — 213

152 [illegible]

Item [illegible] — 214

254 [illegible]

Item [illegible] — 215

287 [illegible]

393 392 Item [illegible] — 216

[illegible]

[illegible] tenens app[ella]tus possit [illegible] et impediri sequestro beneficiorum et
fructuum [illegible] sequestris et [illegible] quod [illegible]
appellante impediretur actualiter et realiter [illegible] fine quod est [illegible]
quod sequestrario [illegible] super [illegible] ubi [illegible]
sequestratio fructuum [illegible] est [illegible] lite [illegible]
[illegible] facit quod [illegible] si duo
litigant de beneficio [illegible] ad [illegible] litem [illegible]
[illegible] et tenet [illegible]
[illegible] quia [illegible] facit [illegible]
[illegible] et [illegible] facit [illegible]
[illegible] super [illegible] possessorio [illegible] ubi dicit si [illegible]
[illegible] possessorio [illegible] petitorio [illegible] est locus sequestrationi [illegible]
[illegible] et [illegible] est [illegible]
petitorio [illegible] possessorio [illegible] ad instantiam [illegible]
[illegible] in beneficio [illegible] ad [illegible] instantiam [illegible] sit [illegible]
[illegible] sequestratio [illegible]
[illegible] sequestrationem [illegible] sibi sit [illegible]
[illegible] sibi [illegible] fructus
[illegible] collitigant et [illegible] sibi [illegible] finalem [illegible]
victoriam obtinuit [illegible] impediretur [illegible]
[illegible] et esset possessor beneficii
[illegible] petitorio beneficii [illegible]
[illegible] sit sequestratio [illegible] locus [illegible]
[illegible] petitorio et [illegible] possessorio [illegible]
possidentem [illegible]
[illegible] petitorio [illegible]
ad [illegible] est locus sequestrationi [illegible] locus
[illegible] et [illegible] petitorio et possessorio
beneficii [illegible] realiter [illegible] est locus [illegible]
[illegible] super [illegible] et [illegible]
[illegible] sit [illegible] sequestrationem [illegible]
[illegible]
[illegible] super [illegible] possit [illegible] appellante
[illegible] fructus [illegible] et
[illegible] et sit sibi [illegible] possessor [illegible]
[illegible]
[illegible] possessio [illegible] finalem victoriam
[illegible] obtinuit [illegible]

[illegible] qui fuit [illegible] et non [illegible] parte [illegible]
[illegible]
ad [illegible] et [illegible]

Nota [illegible]

211

116

Item [illegible] attemptatis [illegible] appellacionem [illegible]
[illegible]
[illegible] appellacionem [illegible]
[illegible]
[illegible] dolo.

218

325

Item [illegible] et [illegible] qui [illegible]
[illegible] appellans [illegible]
[illegible]
[illegible] et [illegible]
[illegible] appellans [illegible] auditoris
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible] qui
[illegible] appellans [illegible]
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible] auditoris
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] appellans [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

219

349

Item [illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

280 Item [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

284

281 Item [illegible]
[illegible]
[illegible]

304

tam alii tam que de se [illegible] de nobilitate [illegible] et magistri [illegible]
in [illegible] [illegible] fuit dubitatum cum [illegible] omnis [illegible] in
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Item de capacitate et [illegible] [illegible]

Item [illegible] [illegible] 282
[illegible]
[illegible]

186

[illegible]
[illegible]
[illegible]
[illegible]

Item [illegible] 283
[illegible]

340

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

et aliqua die ... possit et debeat ... [illegible]

... [illegible] ...

... [illegible] ...

... [illegible] ...

... [illegible]

283 Item si constat de occupacione ... [illegible]

Antique 480

284 Item si fuit ... [illegible]

102

286 Item si ... [illegible]

358

et si retinet [illegible] et [illegible] et [illegible]
[illegible] et [illegible] [illegible]
[illegible] ad [illegible] et [illegible]
[illegible] all. et [illegible] et [illegible]
executor [illegible] parte [illegible] ad quem et [illegible]
[illegible] fructus [illegible] et [illegible] debent
[illegible] executiones [illegible]
[illegible] est [illegible] et [illegible]
[illegible] quo ad [illegible] et [illegible] ad all. et [illegible]
[illegible] executores [illegible]
[illegible]
et [illegible] et [illegible] executor [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible] est [illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
all.

Item lis [illegible] [illegible]
[illegible] quo ad [illegible]
[illegible] et [illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
et [illegible] et [illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]

281

255

[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

288 Item sufficit [illegible] absolutionem petendo simpliciter vel ad cautelam [illegible] ad acta [illegible]

Nota de absolutione ad cautelam

289 Item quod actor non veniendo [illegible] absolvi ab instantia iudicii [illegible]

290 Item actor [illegible] absolutionem [illegible]

Nota de absolutione simplici et ad cautelam

291 Item si petitur absolutio simpliciter [illegible]

et cautum quod appellet iuste [illegible] contradictam petit quod per [illegible] libello
[illegible] [illegible] [illegible] [illegible] contradictam [illegible] absolui [illegible]
petit [illegible] [illegible] [illegible] satisfaciet [illegible] [illegible] [illegible] [illegible] [illegible]
absoluendus est [illegible] satisfacit [illegible] satisfaciendo sufficienti cautionem [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et ibi [illegible] [illegible] [illegible]

Item quod si [illegible] [illegible] [illegible] [illegible] absolui [illegible] ad cautelam
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] sufficienti [illegible] [illegible] quod si auditor [illegible] [illegible]
absoluat [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
materia [illegible] [illegible] [illegible] [illegible] [illegible] aut [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] est quod [illegible] [illegible] agendum [illegible] [illegible] [illegible]
[illegible] agitur [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] actor [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] ad [illegible] [illegible]
[illegible] et [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et ad [illegible] [illegible] [illegible] [illegible]

contradictio

[illegible] [illegible] et ad [illegible] [illegible] absolui ad cautelam [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] actor et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] actoris [illegible] [illegible] libellus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] libellus [illegible]

obstat

et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] actoris [illegible] [illegible]

vinculo dicti canonis non obstet. Item quod quia ad multos alios fructus talis sententia dari posset et quod quilibet ita docendo se alias non declaret ut aliud dicat recipitur tamen hic casu supra. [illegible] ad [illegible] videlicet sine exceptione [illegible] nec alle. ar. lex 2a actoris auctoritate [illegible] et in ista questione [illegible] [illegible] et [illegible] in [illegible] l. i. et [illegible] et lex [illegible] [illegible] sunt auctores [illegible] et si [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et ibi [illegible] aliquis [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] et ibi [illegible] [illegible] Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et sic [illegible] [illegible] [illegible] publice [illegible] et [illegible]

293 Item si contra petitionem absolutionis ad cautelam opponatur [illegible] rei iudicate vel [illegible] manifeste offense [illegible] non [illegible] rei iudicate [illegible] [illegible] est admittenda [illegible] allegetur [illegible] [illegible] [illegible] aut [illegible] [illegible] [illegible] [illegible] iuxta [illegible] [illegible] lata per [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] rei iudicate [illegible] [illegible] sit [illegible] lata a iudice competenti [illegible] [illegible] [illegible] [illegible] [illegible] et si [illegible] sit [illegible] constabat [illegible] [illegible] aut [illegible] aut non constabat [illegible] [illegible] [illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] absolutio [illegible] [illegible] [illegible] [illegible] constet manifeste [illegible] [illegible] [illegible] [illegible] dubitate [illegible] constet [illegible] [illegible] [illegible] [illegible] dubitatur est locus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] rei iudicate [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] posset aut sit rei iudicate [illegible] [illegible] [illegible] qui [illegible] [illegible] [illegible] [illegible] [illegible] posset [illegible] notoria [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dubium est [illegible] [illegible] [illegible] [illegible] [illegible] aut [illegible] [illegible] fundata est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dubium [illegible] probabilis [illegible] [illegible] est nisi [illegible] qui [illegible] [illegible] [illegible] esset [illegible] [illegible] et ita [illegible] [illegible] [illegible] ad [illegible] [illegible] non [illegible] aut [illegible] [illegible] [illegible] et [illegible] [illegible] fundata [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] est probabilis et [illegible] [illegible] [illegible] [illegible] dubium [illegible] [illegible] [illegible] l. i. et [illegible] [illegible] allegabit et probabit [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] dubium et sic [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] l. [illegible] [illegible] [illegible] [illegible] non sufficit [illegible] [illegible] [illegible] rei iudicate vel [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] si [illegible] [illegible] absolutionem ad cautelam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]

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de decreto Beroyd differunt ut quod de decreto communia supponit quod notorietas
tamen per prius capitulum ex quia testes c. solet dicit cum petitur peticionem absolutionis
ad cautelam vel simpliciter posset excipi de excommunicatione [illegible] et de re iudi.
et contra ista tamen alias esset dicendum quod [illegible] [illegible] [illegible] tollet per
alterum quod esset [illegible] [illegible] quod licet tamen cesset in [illegible] [illegible] quod constituta
[illegible] [illegible] cesset [illegible] [illegible] [illegible] quod [illegible] satisfacit ex [illegible] [illegible]
[illegible] [illegible] [illegible] sit probanda et ita non impedietur pluribus processus quod [illegible]
[illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] notorietate non sufficit [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] c. solet [illegible] [illegible] tamen
probando est notorietas [illegible] [illegible] [illegible] [illegible] tamen notorietas [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] et [illegible] [illegible] de notorio [illegible] [illegible] [illegible] et plures dicebat sufficere
[illegible] tamen ad [illegible] notorietatem [illegible] [illegible] [illegible] [illegible] publicationem
[illegible] et famam [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] esse notorium [illegible] sit [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] esse [illegible] et [illegible] esse publicationem [illegible] et famam [illegible] [illegible] esse notorium
[illegible] est quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] est [illegible]
[illegible] [illegible] [illegible] publicationem famam [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] manifestum et notorium quod famam et [illegible] [illegible]
[illegible] habet [illegible] [illegible] [illegible] per plures [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] notorium et manifestum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] est [illegible] testes [illegible] notorium sit [illegible] [illegible] [illegible] testes [illegible]
[illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] notorium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] est [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] esse [illegible] quod [illegible] et [illegible] [illegible] [illegible] testes [illegible]
[illegible] quod [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] et famam [illegible] qui de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] quod [illegible] testes [illegible] [illegible] [illegible] [illegible] [illegible] et famam [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] et plena probationem notorietatis [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et plena [illegible] non sufficit [illegible]
et [illegible] [illegible] [illegible] [illegible] dicebat sufficere [illegible] tamen publicationem
et famam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de testibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] famam [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible]

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293 Item [illegible] absolutorie [illegible]

[illegible] absolutoria

294 Item [illegible] appellacionem [illegible] absolucionem ad cautelam [illegible]

[illegible]

[illegible]

296 Item [illegible] absolucionem ad cautelam [illegible]

[illegible]

297 Item [illegible] absolucionem ad cautelam [illegible]

[illegible]

De gratiis beneficialibus

298 Item [illegible] beneficia [illegible]

[illegible]

197

229

212

311

Antiqua 466

[illegible]

nisi pro ipso anno [illegible] de quo principalibus clericis de [illegible] li. vi. et [illegible]
sit [illegible] lib. [illegible] archi. [illegible] et [illegible] cum aliquibus [illegible] videtur
tenend. [illegible] et [illegible] tamen [illegible] non obstante [illegible] [illegible] [illegible]
inspiciam. Cum glosa obstat [illegible] quod [illegible] pro anno [illegible] de [illegible]
in [illegible] quod non obstat. [illegible] in [illegible] apostolica [illegible] [illegible]
[illegible] [illegible] tenoris [illegible] literis [illegible] [illegible] glosa [illegible] 299
fuit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] alias [illegible]
de beneficio [illegible] [illegible] [illegible] [illegible] [illegible] actu [illegible] et fuit
ad [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible]
apostolica [illegible] [illegible] lib. [illegible] derogatore qui [illegible] [illegible]
[illegible] tollam. et [illegible] statuta [illegible] dominus [illegible] [illegible]
[illegible] alia beneficia [illegible] statuto derogans [illegible] non obstante [illegible]
[illegible] ~~[illegible] statuto [illegible] beneficiorum~~ [illegible] derogatur [illegible] statuto
[illegible] [illegible] beneficiis [illegible] singularis statuto [illegible] [illegible] statuto
est faciendam [illegible] modo et sic [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] obtinuisse et [illegible] quod alias [illegible]
[illegible] quod [illegible] dicta [illegible] [illegible] [illegible] statuto apposito in
fundacione [illegible] beneficiorum [illegible] fundatorum [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] non [illegible] [illegible] [illegible] derogans [illegible] [illegible] [illegible]
ne [illegible] a fundacione et ordinacione beneficiorum [illegible] [illegible] debent
de [illegible] [illegible] et [illegible] qui [illegible] lib. de [illegible] li. vi. quia glosa
[illegible] [illegible] in statutis [illegible] ordinarii [illegible] [illegible] [illegible] clerici
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] debent [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] de statuto [illegible]
beneficiis [illegible] ordinarios collatores et prelatos quibus [illegible] [illegible]
[illegible] [illegible] et ordinaria [illegible] et [illegible] ad [illegible] beneficia
ad collationem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ordinarios [illegible] [illegible] de [illegible] [illegible] et [illegible] li. vi. et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cap. [illegible] [illegible]
li. vi. et [illegible] [illegible] et fuit obtentum et [illegible] [illegible]
[illegible] [illegible] apostolica [illegible] [illegible] actu [illegible] [illegible]
[illegible] statuto [illegible] et capituli [illegible] [illegible] non [illegible] ordine [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
fuit [illegible] [illegible] [illegible] [illegible] ad [illegible] forte non tenebatur [illegible] ad [illegible]
[illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] li. vi. quia [illegible] [illegible] [illegible] [illegible] [illegible] statuta et [illegible]
[illegible] non obstante [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] non [illegible] statuta et [illegible] [illegible]
[illegible] non [illegible] anno et [illegible] [illegible] [illegible] principalibus clericis [illegible] de beneficiis

respectiue sacerdotum et aliud sacerdotium competencie [illegible] actu s[acer]do[tio] [illegible]
[illegible] statuta [illegible] debite [illegible]
actu sacerdotium [illegible] statuto [illegible] ordine [illegible] et ab-

300 ¶ [illegible] aliquod dubium [illegible] constitutionis [illegible]

[illegible] statuta [illegible] non obstante [illegible]
[illegible] statutum [illegible] non obstante [illegible]
[illegible] et non obstat [illegible] non obstante
[illegible] statuto [illegible] non obstant
statuto [illegible] obstat [illegible] sacerdotalis
[illegible]
[illegible] sacerdotalis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
et [illegible]

301 Item [illegible]
[illegible]
[illegible]

302 Item [illegible]
[illegible]
[illegible] non obstante [illegible]

303 Item [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] antiquos [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] antiquos [illegible]
[illegible] potest [illegible]

[Margin:] [illegible] / [illegible] / Antiqu[a] 483 / 46 / 98

[illegible] et [illegible] [illegible] [illegible] [illegible] constitutionis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ita quod [illegible]
ordinarii et [illegible] aliis [illegible] legati [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
sufficient [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

Item sufficit beneficium [illegible] impetravit [illegible] possessionem [illegible] 304
[illegible] alterius beneficii [illegible] ~~[illegible]~~ [illegible] [illegible]
[illegible] assecutionem impetravit possessionem alterius beneficii [illegible] [illegible]
[illegible] et [illegible] quod [illegible] [illegible] [illegible] beneficia [illegible]
[illegible] [illegible] [illegible] [illegible] constitutionis [illegible] [illegible]
[illegible] [illegible] quod [illegible] [illegible] [illegible]

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Item [illegible] [illegible] beneficio [illegible] [illegible] possessionem [illegible] 305
[illegible] alterius beneficii et [illegible] [illegible] [illegible] [illegible]
[illegible] si tibi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] regulariter [illegible] [illegible] [illegible] possessionem
[illegible] beneficii [illegible] [illegible] possessionem alterius beneficii [illegible]
[illegible] [illegible] impetravit [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] assecutionem beneficii [illegible] assecutionem [illegible] [illegible]
impetravit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

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Item [illegible] [illegible] [illegible] beneficio [illegible] possessionem [illegible] 306
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
sufficit [illegible] [illegible] [illegible] [illegible] [illegible] beneficio [illegible]
[illegible] [illegible] [illegible] beneficium [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] assecutionem [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] constitutionis [illegible]

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nisi de [illegible] et [illegible] xvi

307 Item quod [illegible] ad [illegible] et [illegible] testes [illegible] et [illegible] actor [illegible] actor [illegible] et [illegible] plenam probationem [illegible] et non [illegible] testi [illegible] et [illegible]

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308 Item quod [illegible] litigatorum [illegible] et [illegible] et [illegible] et [illegible] et [illegible] et [illegible] et [illegible]

242

309 Item [illegible] Colonienses [illegible] et [illegible] Colonienses [illegible] et [illegible] et [illegible] et [illegible] et [illegible] Colonienses [illegible] et [illegible]

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[illegible] et [illegible] ff. [illegible] opposito [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] est [illegible] ut l. [illegible] amplius
ff. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] obstat [illegible] Respect
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] est [illegible]
[illegible]
[illegible]
[illegible]

[illegible] 310
[illegible]
[illegible]
[illegible]
[illegible] 341
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

ullam facit mentionem quod videtur contra suam supplicationem quia secundum aliam
ordinationem domini nostri pape Gregorii XI de qualibet gratia reservacionum
a impetracione est faciendo mentio alias gratia nulla est [illegible]
[illegible] ad quod videbatur [illegible] reservatio et [illegible] alia [illegible]
[illegible] regulas et ordinationes in cancellaria [illegible]
[illegible] et [illegible] Benedicti qui acceptat aliqua regule [illegible]
et [illegible] casu fuit [illegible]
[illegible] dubium [illegible]
et [illegible] et [illegible]
[illegible] quia secundum aliam regulam [illegible] cancellarie
[illegible] beneficiis [illegible]
[illegible]
[illegible] etc.

311 Item si Stephanus [illegible] gratiam [illegible] impetret aliud benefi-
cium [illegible] gratiam [illegible]
[illegible] beneficium [illegible] et [illegible]
[illegible] beneficium [illegible] impetret aliam gratiam [illegible] de
alio beneficio [illegible] faciendo mentionem de [illegible] gratia et non de
[illegible] fuit [illegible] aliam gratiam
[illegible] supplicationem [illegible] facit mentionem de [illegible]
gratia que ad [illegible]
[illegible] beneficium [illegible] et [illegible] facit [illegible]
[illegible] gratiam [illegible]
aliud beneficium [illegible] acceptare et [illegible]
non facit mentionem [illegible] et ad [illegible]
[illegible]

312 Item si mandatum [illegible] de [illegible] beneficium [illegible]
[illegible]
[illegible] acceptato
et [illegible] de [illegible] gratia [illegible]
[illegible] de aliqua [illegible]
[illegible] de [illegible]
[illegible] non
[illegible]
[illegible] et [illegible]
[illegible] ad [illegible] ad [illegible]

et l. ij de rescriptis et de maior. et obedien. si fiat mentio in gratia et quod ad hoc
tollantur statuta cum illa sint adhuc quo ad [illegible] [illegible]. [illegible]
admonitos ij° prelatos [illegible] [illegible] aliud [illegible] ut [illegible]
[illegible] ad hoc [illegible] sit mentio ut l. [illegible] et [illegible] l. ij et [illegible]
et c. a. et ibi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et statuta [illegible] derogatorias et si non obstan[tibus] generales quae sint
[illegible] [illegible] [illegible] l. non [illegible] sunt [illegible] et no. de [illegible] alias
et c. si [illegible] [illegible] debita [illegible] l. ij et [illegible] [illegible] [illegible] debeat
[illegible] magis dubio et fortiori [illegible] dico et credo [illegible] statuta
[illegible] sint [illegible] [illegible] [illegible] [illegible] mandato [illegible] [illegible]
de maiori [illegible] quod [illegible] acceptando non obstan[tibus] statutis et consue-
tudinibus ipsius ecclesie quibuscumque et [illegible] [illegible] quibuscumque [illegible]
et cum [illegible] [illegible] generales sunt [illegible] [illegible] [illegible] [illegible]
constat de mente [illegible] [illegible] statuta et [illegible] alia impedimenta [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] l. ij lig. [illegible] [illegible] [illegible] [illegible] fo. xxxv q ij [illegible]

Item quero graciam de beneficio [illegible] vacat vel cum vacaverit in [illegible] ecclesia 313
per acceptationem beneficii ad [illegible] collationem [illegible] institutionem vel
[illegible] [illegible] [illegible] in ipsa ecclesia non obstante [illegible] ad collationem [illegible]
[illegible] decanum et capitulum [illegible] quia [illegible] per [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] quod [illegible] et [illegible] non [illegible] aliquem modum in gratia
habent [illegible] modum sunt [illegible] et no. de [illegible] cum [illegible] l. ij et [illegible]
[illegible] et ibi glosa.

Item quero graciam [illegible] [illegible] [illegible] si acceptat beneficium [illegible] 314
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
acceptando [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] non habet [illegible] [illegible] [illegible] [illegible] dicti
est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ad [illegible] acceptandum [illegible] [illegible] [illegible] [illegible] [illegible]
quae [illegible] [illegible] [illegible] [illegible] quia sunt [illegible] [illegible] [illegible]
[illegible] [illegible] acceptando non est [illegible] quedam [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et non aliam quae [illegible] [illegible]
voluntatis [illegible] [illegible] [illegible] [illegible] quia [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible]

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purificat[illegible] quia [illegible] apud [illegible] ut [illegible] qui [illegible] de [illegible]
[illegible] facit [illegible] si [illegible] de [illegible] [illegible] [illegible] ad [illegible]
[illegible] forum mandati non [illegible] [illegible] agat [illegible] glosa [illegible]
ad dicta [illegible] [illegible] diligent [illegible] [illegible] [illegible] de [illegible]
li. vi.

317 Item si [illegible] [illegible] fecit diligentiam quam potuit [illegible] potuit
ut [illegible] [illegible] purificata non sit [illegible] non [illegible]
[illegible] [illegible] acceptaverit [illegible] [illegible] facit
[illegible] [illegible] ut no[tatur] [illegible] [illegible] [illegible] [illegible] et si [illegible]
[illegible] de [illegible] habilitate [illegible] acceptacio et [illegible] est [illegible]
[illegible] [illegible] [illegible] acceptationem et ad [illegible] purificationem
[illegible] [illegible] glosam [illegible] non [illegible] et no[tatur] [illegible] et [illegible]
[illegible] et [illegible] [illegible] [illegible] qui de [illegible] [illegible] [illegible] [illegible]
[illegible] est [illegible] [illegible] [illegible] mandat[illegible] [illegible] [illegible]
[illegible] purificacio [illegible] [illegible] [illegible] [illegible] [illegible]
ut [illegible] admittere [illegible] [illegible] non [illegible] [illegible] ut no[tatur]
[illegible] [illegible] de [illegible] [illegible]

316 Item [illegible] acceptacio [illegible] [illegible] et [illegible] [illegible] non [illegible]
[illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] de [illegible]
li. vi. [illegible] acceptacio non est [illegible] [illegible] voluntatis quam
[illegible] [illegible] et [illegible] [illegible] [illegible] qui [illegible] [illegible]
[illegible] [illegible] ut no[tatur] [illegible] [illegible] voluntatis de [illegible]
[illegible] [illegible] voluntatis est facti et non [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] ut [illegible] et si de
[illegible] [illegible] [illegible] qui sunt facti [illegible] [illegible] et si
[illegible] [illegible] ut [illegible] [illegible] de [illegible] de [illegible] si non

318 Item [illegible] [illegible] [illegible] ut no[tatur] [illegible] [illegible] qui [illegible]
de [illegible] [illegible] et non [illegible] et [illegible] [illegible] [illegible]
[illegible] et quod sit [illegible] [illegible] ut [illegible] [illegible] et
voluntas est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] ut [illegible] [illegible] quod alia [illegible] de [illegible]
[illegible] de [illegible] qui [illegible] [illegible] [illegible] et [illegible]
ut [illegible] et [illegible] de [illegible] [illegible] [illegible]
et de [illegible] [illegible] et [illegible] de [illegible] et [illegible]
Item [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible]

non fit beneficium apostolicum absolute sed fit vacaret ad illud [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Item [illegible] 318
[illegible]

200 [illegible]

Item [illegible] 319
[illegible]

220 [illegible]

[illegible]

320 [illegible]

321 [illegible]

et si vel tibi [illegible] opiniones [illegible] ad
[illegible] ... obstare [illegible]
[illegible] acceptans [illegible] ad
[illegible] ad [illegible] ... obstare [illegible]
[illegible] negligit [illegible]
[illegible] acceptans [illegible] totaliter [illegible] est [illegible]
[illegible] alia collata ... collata
[illegible] quo [illegible]
[illegible] quo ad alia [illegible]
[illegible]
[illegible] acceptacionis [illegible]
[illegible] collacionis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] acceptare [illegible]
[illegible]
[illegible] acceptandi [illegible] acceptans [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] collacionem [illegible]
[illegible] collatoribus [illegible]
[illegible]

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[illegible] collacionem [illegible] capituli [illegible]
[illegible] beneficio ecclesiastico [illegible]
acceptans [illegible] collacionem [illegible]
[illegible]
[illegible]
[illegible]

[illegible] obstante [illegible] prebendis [illegible] et [illegible]
[illegible] eidem ecclesie [illegible]
[illegible] prebenda [illegible] prebendis [illegible] acceptacionem [illegible]
[illegible] prebendis
[illegible] obstante [illegible] ecclesie [illegible]
[illegible] de prebendis [illegible]
[illegible] esset [illegible] prebendis et esset [illegible]
[illegible] et statutum ecclesie [illegible] habeat [illegible]
[illegible] et [illegible] ad [illegible] qui
[illegible] et statuta [illegible] et [illegible]
[illegible] cathedralis
[illegible] cathedralis [illegible] alia [illegible]
[illegible] acceptat prebendam [illegible] ecclesie
collegiate [illegible] stallum [illegible] et locum [illegible] et [illegible]
statuta [illegible] esset [illegible]
[illegible] acceptacione prebende ecclesie collegiate [illegible]
[illegible] collacionem [illegible]
[illegible] acceptacionem prebende ecclesie cathedralis [illegible] ad collacionem [illegible] et [illegible]
[illegible] capituli [illegible]
[illegible] et [illegible]

323 [illegible] capituli [illegible] ecclesie collegiate [illegible]
et [illegible] et [illegible]
[illegible] prebendis [illegible]
[illegible] ecclesie collegiate [illegible]
et [illegible] esset [illegible] et [illegible]
[illegible] habeat [illegible]
[illegible] et prebendis [illegible]
[illegible]
[illegible] ecclesie [illegible]
[illegible] capituli [illegible] et [illegible]
[illegible] et [illegible]
[illegible] capitula [illegible] et [illegible]
[illegible] esset [illegible] prebendis [illegible]
[illegible]
[illegible] et [illegible] statutum [illegible] qui [illegible]

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tempore publicationis constitutionis et dicte a. decretalis [illegible] que tractat ubi prohibet
[illegible] ante [illegible] obstante fuit decisum et declaratum quamvis [illegible]
[illegible] et [illegible] qui [illegible] contra questionem [illegible]
[illegible] [illegible] communis [illegible] [illegible] et [illegible] declarationem
[illegible] in [illegible] quod [illegible] [illegible] que [illegible] [illegible] de [illegible]
et [illegible] [illegible] [illegible] [illegible] fuit [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] fuerint et [illegible] [illegible] attemptata et si [illegible] [illegible] dati
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] si que
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] que [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] si [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] si [illegible] et [illegible] [illegible] [illegible] et sic [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] est et si
[illegible] dati [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] advocatus [illegible] [illegible] allegando [illegible] [illegible] [illegible]
[illegible] que [illegible] quedam [illegible] [illegible] [illegible] si est [illegible]
qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible]
doctores dicunt [illegible] [illegible] [illegible] ligat [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] dati [illegible] [illegible] obstat [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] obstat [illegible] [illegible] [illegible] ad [illegible] et
[illegible] [illegible] et [illegible] [illegible] [illegible] debet [illegible] qui [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] qua ad [illegible]
[illegible] [illegible] [illegible] [illegible] et obstante legis et glo [illegible] [illegible] [illegible]
[illegible] [illegible] qua attentis verbis clausule [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] dati ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

In hac materia que inter placuit dominis meis aliqua ymaginando [illegible]
[illegible] que ipsa petitam [illegible] appossuit dixit se stare in gratia [illegible]
statim [illegible] et [illegible] que [illegible]
[illegible] si fuit [illegible] et [illegible] fuerunt ydoneum ad [illegible]
[illegible] si fuerit absentes mandarum [illegible] ydonei [illegible]
in forma [illegible] qui [illegible] fuit [illegible] voluit ipsa [illegible]
[illegible] et [illegible] et sic [illegible] et si [illegible]
sibi [illegible] quod sibi [illegible] et [illegible]
[illegible] et sic [illegible] ac non [illegible]

324 Item quod [illegible] pauperum et [illegible] quia [illegible] lex [illegible]
[illegible] non obstante si [illegible] adeundi [illegible]
[illegible] ydonei et si sit [illegible] qui [illegible]
[illegible] et [illegible] non [illegible] duobus [illegible]
[illegible] obstat [illegible] quod [illegible] videtur [illegible] et [illegible]
[illegible] ei [illegible] et [illegible]
[illegible] litteras [illegible]
[illegible] et [illegible]
[illegible] et [illegible] statim [illegible]
[illegible] non [illegible]
[illegible] que [illegible]

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324 Item lex [illegible] tollat et [illegible] qualitatis [illegible]
[illegible] puta [illegible] et [illegible] de quo
[illegible] et [illegible] fiat [illegible]
[illegible] est [illegible] ut non [illegible] et si [illegible]
[illegible] et [illegible] est [illegible] in [illegible]
[illegible]

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326 Item debitor [illegible] quod [illegible] tollat [illegible] puta si [illegible]
[illegible] de quo ipsa si [illegible]
[illegible] non [illegible] de [illegible] facit [illegible]
[illegible] et [illegible]
[illegible] et [illegible] quod lex [illegible]
[illegible] tollat [illegible] non [illegible]
[illegible] aut [illegible]
[illegible] et non [illegible] si [illegible]
[illegible] ipso [illegible]
[illegible] quod [illegible]
[illegible] ipsa [illegible] et [illegible]

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9.2a

[illegible] et [illegible] [illegible] glo. [illegible] [illegible]
[illegible] qualitate [illegible] [illegible] [illegible]
dignitate. et [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] c. ta. [illegible]
in [illegible] [illegible] [illegible] amplect et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

321 Sed de thezaurario an sit dignitas vel simplex officium de iure [illegible] [illegible] [illegible] [illegible] dicitur quod sonat in nomine dignitatis et [illegible] [illegible] [illegible] principalior dignitas [illegible] et [illegible] [illegible] [illegible] [illegible] ego [illegible] dicerem quod [illegible] consuetudine et reputatione ecclesie et [illegible] quod [illegible] sonat in [illegible] dignitas [illegible] et [illegible] archipresbiteratus [illegible] [illegible] communicat quod [illegible] super [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] in tota [illegible] de officio archidiaconatus et archipresbiteratus [illegible] et [illegible] [illegible] archidiaconus [illegible] [illegible] [illegible] [illegible] consuetudinis [illegible] in [illegible] dignitate [illegible] [illegible] et [illegible] et [illegible] [illegible] [illegible] [illegible] ecclesie [illegible] [illegible] [illegible] [illegible] [illegible] aliquid [illegible] [illegible] in ecclesia kathedrali in alia dignitate [illegible] [illegible] [illegible] [illegible] qui [illegible] aliquibus ecclesiis [illegible] [illegible] et aliquibus [illegible] et [illegible] thezaurarius [illegible] [illegible] immediatus [illegible] [illegible] in ecclesia kathedrali est archidiaconus qui est oculus episcopi [illegible] in [illegible] [illegible] [illegible] de officio archidiaconi [illegible] et [illegible] [illegible] de officio archidiaconi [illegible] ecclesiis collegiatis est [illegible] [illegible] caput et [illegible] collegii [illegible] episcopus [illegible] collegio et [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] sibi [illegible] [illegible] [illegible] [illegible] [illegible] ab [illegible] [illegible] et [illegible] quod est consuetudo et quod reputatio [illegible] [illegible] [illegible] [illegible] et [illegible] et [illegible] in [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] et [illegible] et [illegible] [illegible] [illegible] [illegible] quod [illegible] administrationem [illegible] [illegible] [illegible] indignitati [illegible] in ipso officio constituti ut [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] administrationem [illegible] [illegible] et [illegible] [illegible] est dignitas [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]

327

Item quod supplicatio [illegible] 328

[illegible]

350

Item [illegible] 329

[illegible]

292

Item [illegible] 330

[illegible]

sed vacantium dignitatum que ita generaliter comprehendit tantum dignitatibus sed
in suspensis de quibus per multa et c quia dicitur et c [illegible] vero pendentes
illa non sortiuntur vel si quis electionem in aliqua ecclesia sit celebrandum et iure debeat
de certa vel electo in qua cum est magna dignitas · [illegible] ubi non debebat · de [illegible]
[illegible] non auctoritate et [illegible] inspiciendo tamen opinionem retorquet contra dominum
[illegible] in c [illegible] capitulum de [illegible] [illegible] li in et in [illegible] de ingressu [illegible]
[illegible] [illegible] eorum opinio [illegible] partium [illegible] dicit et [illegible] sed proponere
[illegible] [illegible] [illegible] [illegible] ubi dicit [illegible] quod [illegible] electio electio q
[illegible] [illegible] [illegible] [illegible] de [illegible] et ubi [illegible] vel [illegible]
ad quem [illegible] [illegible] duos opinio [illegible] et [illegible] [illegible] [illegible]
vel · in [illegible] dignitatibus qui [illegible] Nam non de [illegible] [illegible]
[illegible] dignitatis sicut [illegible] quia non sunt
[illegible] et ideo [illegible] et [illegible] datur [illegible] · ad eligendum
ut [illegible] de [illegible] in [illegible] [illegible] in [illegible] ut [illegible] de [illegible] · et c
[illegible] [illegible] et c de [illegible] quia et c [illegible] et c [illegible] et sic non
obstat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quod loquitur de [illegible] eligendi [illegible] electionis qui
[illegible] [illegible] et [illegible] [illegible] de [illegible] in ecclesia vel alio
loco ydoneo vel [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] [illegible] et c in causa de app · quia [illegible] et c [illegible] ac si
[illegible] que [illegible] [illegible] obstat et quod [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
ad [illegible] Nam [illegible] [illegible] [illegible] qualia [illegible] [illegible] [illegible]
de [illegible] [illegible] et [illegible] quia [illegible] [illegible] in [illegible] [illegible]
intelligentur [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quod intelligitur de [illegible] [illegible] ubi [illegible] [illegible]
et non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] [illegible] li in et c a · c [illegible] et quia illa [illegible] est [illegible]
[illegible] [illegible] in [illegible] ecclesie [illegible] in [illegible] non obstante [illegible] [illegible]
[illegible] [illegible] [illegible] et in [illegible] [illegible] [illegible]
[illegible] canonum et c statuta de [illegible] li in et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] ecclesie [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] sed [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible]

Item fuit dubitatum utrum capitulum possit sede vacante recipere resignationem simpliciter
in manibus eorum factam alicuius beneficii spectantis ad institutionem eorum de iure
[illegible] super quo dubio [illegible] et durante [illegible] dum declinarent in partem
negativam concluserunt quod licet capitulum sede vacante possit conferre [illegible]
[illegible] alium [illegible] et ubi [illegible] potestatis [illegible]
[illegible] sede vacante [illegible] resignationem [illegible]
[illegible] quod sit voluntaria [illegible] non cadit capitulum
sede vacante [illegible]
[illegible] capitulum [illegible] resignationem
[illegible]
[illegible] capitulum [illegible] admittere et non admittere
[illegible] admittant [illegible]
[illegible] ecclesie cathedralis [illegible]
alium ad aliam ecclesiam ut in antiqua [illegible]
[illegible] capitulum [illegible] ecclesie [illegible]
[illegible]
administrationis [illegible]
[illegible]
[illegible]
[illegible] quod possit capitulum sede vacante resignationem huiusmodi admittere [illegible]
[illegible] resignatio ad quem spectat institutio
et destitutio [illegible] et non in manibus collatoris [illegible] admittant
[illegible] commendatarum [illegible]
[illegible] possit [illegible] capitulum possit sede vacante [illegible]
[illegible] beneficia [illegible] ad aliam [illegible] resignationem
[illegible]
[illegible] resignationes causa permutationis factas in manibus eorum
sede vacante de beneficiis ad [illegible] et non ad [illegible] admittere [illegible]
causa permutationis et resignationem [illegible] quod procedit in beneficiis
quorum collatio ad [illegible] et capitulum [illegible]
[illegible]
[illegible] capitulum sede vacante
non possit clericum beneficiatum transferendo de una ecclesia ad aliam spectantes [illegible]
administrandi et non [illegible] beneficium [illegible] causa resignationis
admissio [illegible]
[illegible]
[illegible] capitulum sede vacante [illegible]

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q(uod) et successori eius qui admissionem [illegible] competit per [illegible] cum competit
per l(ex) et successori [illegible] successori et quo [illegible] et l(ex) et
[illegible] capitulo [illegible] per [illegible] [illegible] ubi [illegible] competit capitulo
[illegible] institucio per [illegible] capitulo sed propter admissio qui est sicut
institucio [illegible] ergo [illegible] resignacionem [illegible]
sua [illegible] institucionem [illegible] [illegible]
[illegible] institucio [illegible] et resignacio admissio [illegible] [illegible]
[illegible] [illegible] sed [illegible] [illegible] fiat
[illegible] resignacio per [illegible] capitulo et capitulum tacite et [illegible]
[illegible] per [illegible] [illegible] resignacio aliud [illegible] capitulo
[illegible] capitulum admittit et instituit [illegible] institucio [illegible]
[illegible] institucio videtur tacite resignacionem admisisse [illegible]
et [illegible] [illegible] [illegible] [illegible] sicut [illegible] [illegible] [illegible] [illegible]
[illegible] resignant [illegible] [illegible] [illegible] [illegible] [illegible] potuit
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] per [illegible]
[illegible] [illegible] [illegible] admittit et [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] aliud
institucio [illegible] per resignacionem et [illegible] capitulo [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

332 [illegible] aliud [illegible] [illegible] [illegible] [illegible] per [illegible]
capitulum [illegible] [illegible] resignacionem [illegible] capitulum
[illegible] [illegible] [illegible] [illegible] sit [illegible]
[illegible] sit [illegible] et [illegible] sit [illegible] [illegible]
[illegible] et [illegible] [illegible] et [illegible] aliquibus [illegible]
[illegible] per [illegible] [illegible] administracio [illegible] et [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible]
[illegible] et [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] administracio [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] capitulo [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de collacione
[illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

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[illegible] ... [illegible]

[illegible] ... [illegible] ad [illegible] ... ad [illegible]

ad [illegible] ... [illegible]

Item resignato beneficio [illegible] apud penitentiarios [illegible] ... [illegible] collationem [illegible] ... [illegible] 333

[illegible] ... [illegible] beneficium [illegible] ... resignationem [illegible] ... ad [illegible] ... facienda

Antiqu. 398

Item si beneficia apud penitentiarios [illegible] ... [illegible] 334

[illegible] ... [illegible]

Antiqu. 399

Item fuit dubitatum [illegible] ... [illegible] 334

316

[illegible] ... [illegible]

contra eadem quia p̄ncipalis observanciam nec licz aliud supponi quam p̄mum ut ibi
dicit textus in cap. cum p̄ncipalis est legatus ut ... ut glosa in dicto c. i.
de off. leg. li. vi. igitur devoluta censetur causa p̄ncipalis ... collatio ad papam tamquam
legatum ipsa devolvitur sibi licentiam permittere anteq̄ ad collationem p̄ncipalis ... quia
... q̄ ... non ... ut ibi apparet p̄ncipalis licz legatus natus
sit superior p̄ncipalis ad alios ... legatorum ... ut possit ad eum
appellari ad eum ... quilibet ut in dicto c. i. de off. leg. li. vi. ...
q̄ ... sit ... superior ut p̄ncipalis ut q̄ ... possit ad ...
... ad legatum appellari ... quilibet ...
... alt. ... de ... et de
... q̄ ... p̄ncipalis ... ut ... non possit ... alios
... ut ... et ... non ... possit ...
... superior potest app. et ... et ...
... possit ... et ... ut ... non ... possit
delinquit ut neglexit etc.

336 Item si p̄ncipalis negligentiam ... devolvatur ...
collatio aliorum beneficiorum ad ... sibi ... permittere ad
... et ... ad ... quadrimestre ... laico
... ad ... beneficii vacanti et ...
ad ... ut ... et ...
devolutione ... et ... ut ...
... q̄ ... vacationem et negligentiam ...
... non ... sibi ...
... et ... in ...
... q̄ ... ad ... et ...
... ad ... beneficiorum ...
... et ...
... et ...
... non ... ut allegavi ...
non obstat ...
... ut ... ut ibi ...
... ut ... et ...
... et in ...
... et ...
... beneficiorum ... ut ... et ...

et de fide et multis peticionem recepit ut dicto dispositur [illegible] depone
[illegible] per quos optime facit in materia meo iudicio. quia materia [illegible] dum
dicit textus [illegible] [illegible] videbitur [illegible] quod [illegible] [illegible]
[illegible] eciam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dispos[itio] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] alle-
[illegible] [illegible] [illegible] [illegible] [illegible] allegationem [illegible]
[illegible] tam [illegible] [illegible] audiendum [illegible] tam [illegible] [illegible]
[illegible] [illegible] tam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] et [illegible] de [illegible] [illegible] c. i. de [illegible] quod
[illegible] [illegible] [illegible] [illegible] [illegible] quod possit [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] alle[gatione] quod [illegible] [illegible] [illegible] et
[illegible] alle[gatione] [illegible] [illegible] qui [illegible] ut [illegible] [illegible] [illegible] et fuit ad
[illegible] et ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] que [illegible]
[illegible] [illegible] celebrari [illegible] [illegible] cum suis [illegible] et [illegible]
[illegible] ydoneas ad [illegible] [illegible] que sint [illegible] et [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] de [illegible] [illegible] de [illegible] [illegible]
de [illegible] [illegible] qui [illegible] [illegible] allegaret [illegible] [illegible] de [illegible]
[illegible] ad [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] qui
[illegible] [illegible] [illegible] de [illegible] [illegible] fuit [illegible] [illegible] materia

[illegible] [illegible] [illegible] [illegible] habuit [illegible] [illegible] [illegible] [illegible] ad certam 331

[illegible] [illegible] [illegible] erat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] non [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] et
debet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] que [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] antiquam [illegible] ad
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] q. i. [illegible] [illegible] et
[illegible] et [illegible] ad [illegible] [illegible] [illegible] et [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod
de [illegible] de [illegible] [illegible] quod [illegible] loquitur [illegible] [illegible] ad [illegible]
[illegible] [illegible] qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] textus que loquitur
in [illegible] que [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] et [illegible] q. i. [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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q[uod] electo similiter c[on]tra dispensac[i]o[n]e[m] cum q[ue]st[io]ne aliud sit p[ro]ut ep[iscop]us p[ro]fici
p[er]sona[m] electo p[re]d[ict]o tol. secularis 2m [illegible] ibid[em] [illegible] et [illegible] qui
all. ad h[oc] c. vn[ico] d[e] e. i. et [illegible] q[uod] de [illegible] ubi dicit no[n]
in cu[ria] anglicana et ibi [illegible] ad quam opinione[m] p[er]venit
[illegible] de [illegible] in [illegible] et [illegible] et [illegible] i. de ele.
[illegible] fuit all. [illegible] de [illegible] q[uod] [illegible]
in cu[ria] anglicana [illegible] q[uod] sibi non obstat [illegible] c[on]tra q[uod]
fuit [illegible] de auctoritate [illegible]
[illegible] de [illegible] forte [illegible] q[uod] [illegible] dispensetur p[er] in-
nos. ad assumendum ad [illegible] dispensac[i]o[n]em
et sic [illegible] ad eligi et [illegible] et [illegible] q[uod] [illegible]
et forte [illegible] et q[uia] [illegible] forti [illegible] cu[m] tam [illegible]
[illegible] no[n] [illegible] dispensac[i]o[n]is [illegible] i. de ele.
et h[oc] [illegible] q[uod] [illegible]
[illegible] magna [illegible] q[uo]d [illegible]
dispensat [illegible] et [illegible]
[illegible] et h[oc] [illegible] et [illegible]
d[e] h[oc] [illegible] de [illegible] ubi [illegible]
[illegible] et [illegible] q[uod] ad dispensac[i]o[n]em [illegible]
[illegible] dicebat [illegible] ut h[oc] et [illegible]
[illegible] anglicanu[m] [illegible]
[illegible] doctores [illegible] religiosi [illegible]
no[n] admittendi [illegible]
et dispensac[i]o[n]e[m] [illegible]
[illegible] q[uod] [illegible] de [illegible]
[illegible] ad aliq[uam] dignitate[m] qui electo [illegible] no[n] [illegible]
eligentes [illegible] anglicanu[m] ad [illegible]
p[er] h[oc] [illegible] de ele. [illegible] ita
[illegible] et [illegible] no[n] [illegible] et no[n]
[illegible] et [illegible] all.
et ubi doctores [illegible] dicebat et [illegible]
[illegible] anglicanu[m] et sic [illegible]
[illegible] no[n] [illegible] capit[u]l[u]m q[uia] religiosi [illegible]
[illegible] capit[u]l[u]m q[uia] no[n] [illegible]
[illegible] dicebant
[illegible] capit[u]l[u]m [illegible]
secularis et [illegible] et [illegible] et [illegible]

castri comitatis

338 Item quod possessor beneficii sedis [illegible] ecclesie [illegible] competit si [illegible] pretendere ad eorum [illegible] vel alibi [illegible] predicant [illegible] quam [illegible] et possedisse [illegible] non obstante [illegible] et [illegible] possessori [illegible] non impedit [illegible] pretendenti [illegible] litis iudicialiter [illegible] possessori pretendendi sibi [illegible] et [illegible] pretendere non possit [illegible] [illegible] contra [illegible]

339 Item si [illegible] pretendens [illegible] ad eorum aliquid [illegible] et [illegible] possessorium [illegible] actor [illegible] pretendens [illegible] pretendendi [illegible] et pretendens ad [illegible] et non [illegible] et [illegible] et pretensoribus [illegible] pretendens [illegible] et [illegible] et [illegible]

340 Item non sufficit [illegible] pretendendi ad aliquod [illegible] ad [illegible] pretendens [illegible] et [illegible] pretendenti [illegible] et non [illegible] et [illegible] et [illegible] pretendens [illegible] pretendenti [illegible] pretendens [illegible] et non [illegible] et [illegible] et non sufficit [illegible] et non [illegible]

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[illegible]

[illegible] ad presentandum presentatur [illegible] tempore volenti instituere
presentacionem quod si non instituerit superior [illegible] ut [illegible] melius facit
et ad respondendum de officio ordinarii [illegible] datum sibi ad acceptandum
de acceptandum [illegible] sibi presentanti [illegible] legitime [illegible]
ceterum infra aliud tempus presentacio [illegible] acceptacio quia
ad [illegible] melius tempore [illegible] est prescripcio [illegible] et no[tat] [illegible]
et quod de [illegible] et melius [illegible] de beneficio de [illegible]
acceptans ad [illegible] sibi faciendum ut obtineat [illegible] sibi
[illegible] et auditor [illegible] sibi beneficium debitum
[illegible] sibi [illegible] de [illegible] et [illegible] de [illegible] tempus
[illegible] ordinarius institucionem si tamen in [illegible] obtinuit [illegible]
[illegible] in [illegible] sed [illegible] in confirmacione et
confirmacione [illegible] ubi no[tat].

382 Item in presentacionem [illegible] collatas [illegible] possessionem [illegible] violentia de [illegible]
[illegible] male [illegible] non constat [illegible] et tenet [illegible] tenendum
est in possessione [illegible] de restitucione in [illegible] sed si constat de [illegible] violencia ut
male fide assecutus collacio et presentacio [illegible] est fructus
possessores [illegible] ut no[tat] [illegible] et consultacionibus de iure patronatus [illegible] mali
fidei possessor non facit fructus suos [illegible] de [illegible]
[illegible] et [illegible] sine causa [illegible] mala fide de
[illegible] si [illegible] et [illegible] de [illegible]
[illegible] et [illegible] in [illegible]
[illegible] et fecit [illegible]
[illegible] et ubi de mali fidei et boni fidei possessore [illegible]
[illegible] et presentacionibus [illegible] intelligo de boni
[illegible] collacionis et presentacionis [illegible] resistat [illegible]
fidei possessor [illegible] in glo[sa]
[illegible]
[illegible] possit [illegible] et [illegible]
[illegible] si [illegible]
[illegible] et [illegible] in glo[sa]
[illegible] non remittit [illegible] et [illegible] in glo[sa]
[illegible] et [illegible] de [illegible] glo[sa] [illegible]
[illegible] glo[sa] fidei et intelligo de utroque non [illegible]
[illegible] de possessore violento [illegible] et [illegible] no[tat] [illegible]

383 Item si aliquis presentatus [illegible] tempore debito [illegible]
non admittitur et iste presentacionem [illegible] alterius [illegible]
[illegible] sibi [illegible] presentacionem in manibus

prem et promus aliam [illegible] decedat eius dum qui habebit tam [illegible]
qui [illegible] [illegible] aliam [illegible] et [illegible] in [illegible] de [illegible] et [illegible] ad
[illegible] legem [illegible] possit [illegible] [illegible] [illegible]
possit [illegible] et [illegible] [illegible] [illegible] de [illegible]
ad [illegible] possit [illegible] et [illegible] simpliciter
[illegible] [illegible] [illegible] ad [illegible]
[illegible] de [illegible] et [illegible] [illegible] [illegible]
de [illegible] [illegible] [illegible] [illegible] ad
[illegible] et in [illegible] de offi [illegible] alii [illegible] [illegible]
[illegible] [illegible] et [illegible] possit de [illegible] [illegible]
[illegible] ubi [illegible] et [illegible] [illegible] [illegible]
[illegible] sibi [illegible] [illegible] et si [illegible] de [illegible] facti
[illegible] [illegible] de [illegible] [illegible] de [illegible]
ad [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] ad [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] ad [illegible] [illegible] [illegible]
de [illegible] [illegible] [illegible] et [illegible]
in [illegible] [illegible] et [illegible]

Item quod [illegible] [illegible] alias [illegible] ad aliquam ecclesiam et [illegible] 322
[illegible] possessio [illegible] ad [illegible] de [illegible]
[illegible] ad [illegible] ad [illegible] [illegible] offi [illegible]
Et quod [illegible] [illegible] [illegible] [illegible]
possessionem [illegible] [illegible] habet [illegible] et [illegible] de [illegible]
[illegible] et de [illegible] in [illegible]

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Item [illegible] et [illegible] quod [illegible] [illegible] qui 321
[illegible] et [illegible] in [illegible] ad [illegible]
[illegible] ad aliquam ecclesiam [illegible] et [illegible]
[illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] possit [illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] et [illegible]

334

[illegible]

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iuris possidendi cum ipsis ista est vendicata in aliis iuris de parte repetenda
et aliter non magis talis non est ipsis iuris [illegible] aut [illegible] premo
[illegible] [illegible] [illegible] est [illegible] [illegible] ff. [illegible] de [illegible] [illegible] et in
ti. [illegible] [illegible] [illegible] [illegible] [illegible] ff. de lib. et
posth. et ibi [illegible] et [illegible] [illegible] [illegible] in [illegible] [illegible]
sine culpa de [illegible] [illegible] [illegible] facit [illegible] ff. de liberis [illegible] [illegible].
et [illegible] testa. l. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] que [illegible] [illegible] et [illegible] [illegible] testandi [illegible] [illegible]
[illegible] [illegible] testandi intelligetur [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] [illegible] non [illegible] et ibi [illegible] et [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
possidere debet [illegible] aut [illegible] que ad [illegible] [illegible] [illegible]
aut que ad possessionem non potest dici [illegible] [illegible] [illegible] [illegible] non [illegible]
ut sibi negetur [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible]
[illegible] [illegible] non possit [illegible] [illegible] [illegible] [illegible] [illegible] ff. de [illegible] [illegible].
et [illegible] [illegible] [illegible] ff. de [illegible] testa. l. [illegible] et [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] iuris [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ut [illegible] possidendi non dici [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] [illegible] ff. [illegible] [illegible] l. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de
[illegible] [illegible] [illegible] de iuris [illegible] et [illegible] [illegible] de [illegible] ff. l. [illegible] [illegible] [illegible]
[illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] qui [illegible] [illegible] [illegible]
[illegible] non potest de [illegible] [illegible] [illegible] et [illegible] de iuris [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] quolibet [illegible] [illegible] [illegible] est et [illegible] ff. [illegible]
l. [illegible] de [illegible] [illegible] et [illegible] iuris [illegible] [illegible] [illegible] facit [illegible]
de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non potest [illegible] [illegible] facit ff. de
[illegible] [illegible] l. [illegible] [illegible] [illegible] l. [illegible] et ff. de aqua [illegible] [illegible].
ff. [illegible] de [illegible] [illegible] in [illegible] modo [illegible] [illegible] [illegible] [illegible] iuris [illegible] [illegible]
est [illegible] in [illegible] [illegible] [illegible] non aut [illegible]
[illegible] iuris [illegible] [illegible] [illegible] [illegible] et aut [illegible] ut ad [illegible] [illegible]
[illegible] ibi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] non potest de [illegible] [illegible] [illegible] de [illegible] iuris [illegible] [illegible]. et [illegible]
[illegible] [illegible] [illegible] aut [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et non [illegible] [illegible] [illegible] in [illegible] de [illegible] et in [illegible].

334

[illegible]

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Primo interrogatur ut [illegible] et [illegible] alii [illegible] fecit
[illegible] creditor et [illegible] ordinarius [illegible]
[illegible] super [illegible] consilio [illegible] et [illegible]
[illegible] vicarius [illegible] et [illegible]
quod alii [illegible] / allegat

[illegible] [illegible] et [illegible]

Item si [illegible] presbiteratus vacans [illegible]
[illegible] et [illegible] eundem presbiteratum [illegible] possessionem [illegible]
in manibus ordinarii [illegible] presentacionibus [illegible]
beneficio et admisso [illegible] subsequenter [illegible] et [illegible]

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[illegible] presbiteratus tamquam vacans [illegible]
[illegible] [illegible] possessionem [illegible]
[illegible] presbiteratus [illegible]
[illegible] presentacionis [illegible]
[illegible] et [illegible] possessionem [illegible]
[illegible] agendi [illegible] possessionis et
[illegible] possessor [illegible] absolutoriam [illegible] ad
[illegible] applicanti [illegible] et [illegible]
[illegible] possessorio [illegible]

|| confirmacio

[illegible] agebatur et [illegible] quod
[illegible] agentis [illegible]
[illegible] et possessor [illegible] et [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] et [illegible] restituendus et
[illegible] et [illegible] et [illegible]
[illegible] [illegible] restitucionem et confirmandi [illegible]
[illegible] [illegible]
[illegible] admissus [illegible] agentis possessor [illegible]
[illegible] denegandi est restitucio [illegible]
[illegible] ad [illegible] [illegible]
[illegible] [illegible]
[illegible] negata [illegible] non erit
restituendus ut [illegible] accepta [illegible] et [illegible]
[illegible] [illegible]
[illegible] [illegible]

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auctoritate [illegible] possessionem [illegible] et [illegible] possessionem [illegible]

[illegible] successione [illegible]

[illegible] possessionem [illegible] beneficij [illegible] possessionem [illegible]

[illegible] beneficij et [illegible] possessionem [illegible]

ibi [illegible] et [illegible] titulo [illegible]

[illegible] possessionem [illegible]

[illegible] beneficij [illegible] titulo [illegible]

[illegible] titulo [illegible]

[illegible] auctoritate [illegible] possessionem [illegible]

[illegible] possessionem [illegible]

agentem [illegible] beneficij titulo [illegible] titulo

[illegible] sibi

[illegible]

[illegible] possessionem [illegible]

possessionem [illegible]

[illegible] possessionem [illegible]

[illegible]

[illegible] possessionem [illegible]

[illegible] possessionem [illegible]

[illegible] in [illegible]

Item de collatione [illegible] ecclesia [illegible] ad episcopum

[illegible] et ad capitulum [illegible]

et [illegible] ad episcopum [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ad capitulum et ad episcopum [illegible]

[illegible] ecclesia [illegible]

[illegible] et [illegible]

ibi [illegible] et [illegible] et [illegible]

[illegible]

[illegible] ecclesia [illegible]

[illegible] et [illegible]

[illegible]

[illegible] et [illegible]

[illegible]

[illegible]

170

3 [illegible]

quod ad capitulum spectat receptio canonicorum et collatio prebendarum dignitatum que in [illegible]
sionibus ecclesiarum cathedralium allegat in capitulo Cum in conventualibus [illegible] de his que fiunt a prelato et
in eadem ecclesia de prebendis li. vi et [illegible] [illegible] de rerum permutatione
capitulo ii de concessione prebende ubi non est [illegible] [illegible] et pro hoc
quod glossa concludit in electione prelatorum ecclesiarum collegiatarum de collation[e]
beneficiorum in aliis ecclesiis ad quas spectat remittat ad no[tata]
in eadem ecclesia collegiata et ibi dicit [illegible] est glossa quod ad capitulum collegium
et ubi non est canonicus [illegible] de his qui fiunt a prelato et [illegible] et
pro hoc [illegible] de electione li. vi [illegible] episcopi et capituli dicit [illegible]
[illegible] de Legnano [illegible] recitat et [illegible] dominum Federicum de Senis in disputa-
tionibus suis dicit quod ad collegium spectat presentatio et ad episcopum institutio
[illegible] [illegible] debitur [illegible] [illegible] de [illegible] et in [illegible]
de iure patronatus [illegible] ad collegium [illegible] cum [illegible] erigat capella
ad prebenda [illegible] quod non est [illegible] de [illegible] [illegible]
presentatione [illegible] de iure patronatus [illegible] [illegible]
alibi etc. [illegible] de prebendis et ad [illegible] de ecclesia [illegible] dicit [illegible] de
Legnano [illegible] non [illegible] [illegible] non [illegible] de [illegible] [illegible] ecclesiasticis
et non pro hoc [illegible] [illegible] de capellis [illegible] li. vi [illegible] [illegible] [illegible]
[illegible] [illegible] capella rector presentabit et episcopus instituet
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ubi de [illegible] materia
et [illegible] [illegible] et [illegible] [illegible] [illegible] glossa ubi concludit
[illegible] quod licet capitulum [illegible] [illegible] [illegible] eligat tamen [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] antiqui
doctores [illegible] [illegible] [illegible] et [illegible] et [illegible] de [illegible] et [illegible]
titulo de electione [illegible] [illegible] [illegible] possit eligere [illegible] de electo per capitulum
[illegible] [illegible] non [illegible] [illegible] in eadem [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] quod licet capitulum [illegible] ecclesie non possit facere statutum [illegible] [illegible]
[illegible] tamen capitula aliarum ecclesiarum [illegible] [illegible] [illegible] prelatorum [illegible] [illegible]
[illegible] [illegible] licet [illegible] dicat [illegible] in [illegible] in eadem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ii et [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] li. vi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] li. vi.

328 Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

de [illegible] [illegible] [illegible] [illegible]

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[illegible] [illegible] [illegible] [illegible] 179 [illegible] [illegible] [illegible] [illegible] capitulo [illegible]

tam per alios [illegible] tenuit quia [illegible]
[illegible] et sic [illegible] aliorum [illegible] habitatores
[illegible] dispositionem [illegible] ordinarii [illegible]
[illegible] et [illegible]

Item [illegible] 369
[illegible] mandatum [illegible]
[illegible] quia [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible] quia [illegible]
[illegible] et [illegible]
[illegible]

301

[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
et [illegible] quia [illegible]

[illegible]
et [illegible]
[illegible]

301 ca

Item [illegible] 370
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
et [illegible]
[illegible]
[illegible]
et [illegible]
[illegible]
[illegible]
[illegible]

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Item [illegible] 371

cum in [illegible] forma c. [illegible] de off. del. si duo [illegible] litteris
impeditis [illegible] et q. ad alia [illegible] et
[illegible] et [illegible]
[illegible] et notariis publ. [illegible]
[illegible] subdelegatis [illegible]
[illegible] acceptare et [illegible] corporalem possessionem [illegible]
dubitabatur [illegible] dubitandi
[illegible] subdelegato [illegible]
[illegible] et [illegible] statutum de [illegible]
[illegible] et [illegible] mandati [illegible]
[illegible] agitur de [illegible]
[illegible] c. [illegible]
et [illegible] statutum [illegible]
[illegible] et [illegible]
[illegible]
[illegible] subdelegatis
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] de [illegible]
[illegible] et [illegible] de off. del.
[illegible]
[illegible] de off.
del. [illegible] et [illegible]
[illegible] forma mandati [illegible]
[illegible] de off.
del. [illegible] subdelegandi [illegible]
et [illegible] in forma [illegible] et in [illegible]
iudices [illegible]
[illegible] de off. del. et
[illegible] et [illegible]
[illegible] et [illegible] aliud dubium [illegible]
[illegible] statutum de [illegible]

[illegible] et [illegible]
[illegible] et [illegible]
[illegible]
[illegible] agitur [illegible]
[illegible] et [illegible]

[illegible]

Item [illegible] — 372

246

[illegible]

Item [illegible] — 373

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[illegible]

Item [illegible] — 374

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[illegible]

expresse vigore dictarum dispositionum auctoritate apostolica electis et ad eadem beneficia
acceptantibus [illegible] in concilio [illegible] dispositionum [illegible]
in quibus loquuntur in dictis appellationibus sive supplicationibus [illegible]
[illegible] quod [illegible] de [illegible] et [illegible]
[illegible] in [illegible] per [illegible]
[illegible] quod non [illegible] vel [illegible] ad beneficium [illegible]
[illegible] licet non [illegible] et collationem [illegible]
[illegible] collationem [illegible] electis vel [illegible]
[illegible] ad eum [illegible] et [illegible]
de [illegible] questio [illegible]
[illegible] ordinarii [illegible]
[illegible]
[illegible] in beneficio [illegible] ad eum [illegible]
[illegible] et tollitur de [illegible]
[illegible] quibus collatores vel ordinarii [illegible] et
delegatus dispositionum [illegible] et in [illegible] licet [illegible]
[illegible] aliquo [illegible] et [illegible] ipsa [illegible]
[illegible] vel [illegible] non
[illegible] de [illegible]
ordinario quibus licet [illegible] ordinarii
ad [illegible] dispositionum [illegible] et [illegible]
[illegible] de [illegible]
[illegible] dispositionum [illegible] et [illegible]
in aliis [illegible] et [illegible]
[illegible] ad
[illegible] beneficium [illegible] ad
[illegible] sibi [illegible] aliud beneficium [illegible]
in casu [illegible] et [illegible] esset [illegible]
[illegible] esset [illegible]
quod ipsa [illegible] volunt [illegible] electis vel
[illegible] et non in [illegible] et [illegible]
et [illegible]
[illegible] ad [illegible]
[illegible] et [illegible] si acceptet beneficium [illegible]
[illegible] ad [illegible] acceptione valent ut [illegible]
[illegible] in aliis beneficiis ecclesiasticis [illegible] ad [illegible]
aut non [illegible] valet acceptatio. [illegible] licet doctores voluerunt
[illegible] quod [illegible] valet acceptatio et non [illegible]

[illegible] dispositionum

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Item si [illegible] mandatum alicui providendi de maiori prebenda [illegible]
vacaverit [illegible] et maior prebenda [illegible] non obstantibus statutis
et consuetudinibus [illegible] et [illegible]
[illegible] possit [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

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Item [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

300

376

114

348 Item in ecclesia ubi [illegible] et distinctio prebendarum maiores et minores [illegible] non est ubi [illegible] consuetudo quod recipientur in canonicum [illegible] prebendarum [illegible] et si [illegible] maiores [illegible] et [illegible] [illegible] ordinariis [illegible] recipientis [illegible] qui [illegible] non [illegible] et ubi [illegible] [illegible] prebendarum et [illegible] et [illegible]

230

379 Item [illegible] et [illegible] quod [illegible] prebendas [illegible] ecclesia ubi sunt maiores et minores et [illegible] recipiantur [illegible] maiores prebendas [illegible] qui [illegible] et non in [illegible] maiores non [illegible] consuetudo [illegible] [illegible] est [illegible] de maiori ad minorem [illegible] de minori ad maiorem [illegible] qui [illegible] et non [illegible] et [illegible] [illegible] et [illegible] [illegible]

231

360 Item [illegible] et alium [illegible] sunt [illegible] quod [illegible] [illegible] et [illegible] et [illegible] quod [illegible] [illegible] et [illegible] qui non sunt [illegible] et [illegible] et [illegible] et [illegible] et [illegible] et ubi [illegible] et [illegible] [illegible]

371

q̄ ibi ipse vel alius de illa causa cognosceret tunc eius possent totam causam vel
articulum [illegible] de off. del. c. [illegible] alius [illegible]
et de off. del. c. [illegible] que glo. [illegible] et hec tenet [illegible] ordinarius [illegible]
[illegible] delegato [illegible] alius [illegible]
et [illegible] de procur. c. [illegible]

Item si ipse mandat alium procuratorem vel [illegible] possessionem [illegible] beneficium et aliis q̄ [illegible] — 361

352

[illegible]

[illegible]

et sine causa cognitionem pendente pendent a sede ... de certo tempore beneficii
vacantis recte prout ... tunc ... ipsa ad hunc dicti gratia ... et
[illegible] ... et nec non pendet ... cognitioni
et sedem ordinarie ... quod dimittit ... si est ita et notarius inscriptus
... quod ... consequens ... generaliter mortis ipse
... et ... super ... ipsius ... dicti ... pendent
ipsa ... auditor ... dicti ... scolares ... vel

361

362 Item si quis habet gratiam expectandi ... et presentationem de ... et
... collato ... et ... et nullo alio ...
debita ... vacante ... et ... collatione ...
... Michaelem ... collatores ...
... acceptare ... gratia ... apparet ...
... de ... certo ... collatore ...
... relevare ... presentatio ... duobus
declarata

363 Item quod ... statuta ...
... et impetravit ... alias ... tunc ...
... et habet ... impetravit ... si ... tunc
... clausula derogatoria ... consuetudine ... absentiam ...
et ... consuetudinibus et ...
et ... est ... de ... et ...
... clausula derogatoria ...
... collegii ...
de ... et ... de ...
gratia ad instantiam ... statuta ...
... statuta et ... et sine causa ...
facere ... habet ... impetro ... ab ...
... impetrari ...
... habet et tenet tunc impetravit ...
... statutis ... de ...
... statuta ecclesie ... et sine causa possit
impetrare ... quod ... et ...
... statuta ... tunc ... intentionem ...
... interpretandum ... et ...
... destitutionem facit ... et ...
et ... Romana

364 Item quod impetratur ... valoris fructuum ... quando
... distributiones cotidiane ... valoris fructuum

289

298

152

non sunt computanda. 2o quod ista clausula [illegible] ...
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Item [illegible] ... 364
[illegible]

139

[illegible]

Nota de permutatione

Item si [illegible] ... 366

59

[illegible]

Item [illegible] ... 367

65

[illegible]

Item si [illegible] ... 368

66

[illegible]

116

[illegible] tamen [illegible] et aliud [illegible] [illegible] [illegible] et
[illegible] [illegible] ad [illegible] beneficii [illegible] et [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible]
de [illegible] et [illegible] [illegible]

369 — Item agenti et [illegible] beneficium [illegible] permutationibus sufficit [illegible] permutatio[illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] permutati[illegible]
et [illegible] titulus [illegible] permutationis [illegible] [illegible] [illegible]
non [illegible] [illegible] permutationis [illegible] [illegible] [illegible]
[illegible] et [illegible] non [illegible] [illegible] de [illegible] [illegible]
[illegible] et ad [illegible] [illegible] [illegible] et [illegible] [illegible] beneficii [illegible]
[illegible] [illegible] [illegible] de titulo [illegible] [illegible] ita
[illegible] [illegible] [illegible] et [illegible] et [illegible] qui
[illegible] [illegible] [illegible]

310 — Item [illegible] permutatio [illegible] beneficii [illegible] [illegible] [illegible]
[illegible] et non [illegible] est nulla [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] et [illegible] de [illegible] [illegible]
[illegible] [illegible] de [illegible] [illegible] [illegible]
[illegible] et [illegible] et [illegible] qui [illegible]
[illegible] [illegible] [illegible] non [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible]
de [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] et [illegible] non [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] de [illegible] et non [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible]
non est nulla [illegible] [illegible] [illegible] non [illegible] [illegible] non [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] beneficia [illegible] de [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] qui
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] et non [illegible] [illegible]
[illegible] [illegible] et [illegible] non [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] non [illegible] [illegible] [illegible]

fuit per [illegible] dominos doctores palatii [illegible] quod [illegible] litteram [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

312 Item quod [illegible] ad litteram [illegible]
[illegible]
[illegible]

Regula de [illegible] [illegible]

48

313 Item quod [illegible]
[illegible] sibi et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible] et [illegible]
[illegible]

49

318 Item quod [illegible]
[illegible] et [illegible] et [illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
et [illegible]
[illegible]
[illegible]
et [illegible] et [illegible] et [illegible]
[illegible] et [illegible]

~~[illegible]~~

179

[illegible]

314 Item quod [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]

180

quia non cessat [illegible] quia laicus non [illegible] habebat [illegible]

clerico [illegible] quia [illegible] vel [illegible] [illegible] [illegible]

[illegible] tamen [illegible] procedit quia clericus [illegible] [illegible]

[illegible] laicum [illegible] sibi [illegible] [illegible]

[illegible] [illegible]

[illegible] laicum [illegible] clerico [illegible] [illegible] alium et

[illegible] et [illegible] et [illegible] clerici [illegible]

[illegible] quia cessat [illegible]

[illegible] et [illegible] ut non [illegible]

[illegible] quia [illegible] ut laicus [illegible]

[illegible] [illegible]

clericus [illegible] [illegible] laicum [illegible]

[illegible] et [illegible] [illegible]

[illegible] clerici [illegible] ut laicus [illegible]

ut [illegible] laicum [illegible] laico [illegible]

[illegible] [illegible]

316

Item [illegible] [illegible] laico et [illegible]

[illegible] [illegible]

[illegible] [illegible]

et [illegible] [illegible] et non [illegible]

ut [illegible] et non [illegible]

[illegible] quia [illegible] et non [illegible] et

[illegible] et quia [illegible]

[illegible] [illegible]

[illegible] [illegible] et non [illegible]

[illegible] [illegible]

[illegible] [illegible]

ut [illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible] et non [illegible]

non [illegible] et [illegible]

[illegible] [illegible]

[illegible] quia [illegible]

[illegible] et [illegible] quia [illegible]

[illegible] ut [illegible] et [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] ut [illegible]

181

si clericus laicum si decanus ecclesie possit apud iudicem secularem conveniri dicit utrumque
possit per eos [illegible] si quidem [illegible] quia oportet fieri ad [illegible] solum in
alio [illegible] si autem de [illegible] ubi que agitur de beneficio gaudendo [illegible]
iudex ecclesiasticus debet ordinarium adire et non secularem quia hoc [illegible]
[illegible] per [illegible] laicus aliquem [illegible] dispensare de
[illegible] ecclesia [illegible] clerici ecclesie [illegible] si [illegible] ubi est [illegible]
[illegible] et [illegible] contestatus agere [illegible] quod [illegible]
[illegible] ad iudicium [illegible] ad iudicem [illegible] actus [illegible] possit
[illegible] in [illegible] ut non obstet [illegible] si iudex [illegible] ecclesiam
iudex [illegible] ut decanus [illegible] sit clericus et [illegible]
[illegible] clericus in qua [illegible] clericus [illegible]
ut [illegible] est [illegible] in [illegible] de [illegible] de [illegible]
[illegible] ad iudicium ecclesiasticum et [illegible]
secularem de [illegible] que [illegible] sunt [illegible] et [illegible] quia
[illegible] tendit ad libertatem [illegible] de [illegible] per [illegible]
[illegible] non derogat [illegible] libertati si [illegible] laicus fiet [illegible]
augetur [illegible]

3ΛΛ

Item [illegible] valet [illegible] possessorio de [illegible] [illegible]
[illegible] ut [illegible] contra [illegible] cessionem transeat [illegible] [illegible]
in [illegible] dubitabat et [illegible] de [illegible] q [illegible] [illegible]
[illegible] tenet [illegible] non [illegible] [illegible] de [illegible]
l. si [illegible] [illegible] dicit [illegible] a v q vi [illegible] de [illegible]
[illegible] ordinat [illegible] actionem aliam [illegible] in [illegible] non [illegible]
[illegible] ut in l. [illegible] de [illegible] ff de acquirenda possessione l. [illegible]
[illegible] et l. [illegible] non [illegible] potuit [illegible] transferri [illegible]
[illegible] de [illegible] et [illegible] in [illegible] [illegible] dicit [illegible]
[illegible] non dubitat [illegible] transferat [illegible]
ut [illegible] l. [illegible] ff de [illegible] [illegible] possit
agere et [illegible] dicit [illegible] dubium et [illegible]
[illegible] possessionem [illegible] non possessionem [illegible] glo
l. si [illegible] de [illegible] ut [illegible] an [illegible] et [illegible] agit an [illegible]
[illegible] et valet et [illegible] qui [illegible] recipit possessionem et sic
[illegible] dicit [illegible] quod [illegible]
in regula [illegible] de [illegible] videtur [illegible]
[illegible] et non [illegible] quod [illegible]
[illegible] ff [illegible] [illegible] non [illegible]
[illegible] predicit [illegible] aut [illegible] [illegible]
[illegible] ff de [illegible] et [illegible] l. [illegible] et [illegible]

182

[illegible] l. heredes et [illegible] et [illegible]
et [illegible] ff. de [illegible]
[illegible] legibus [illegible]
[illegible] et facit ad [illegible]
[illegible] et [illegible]
[illegible] actiones [illegible]
[illegible] directam [illegible]
[illegible] ff. de [illegible] legibus [illegible]
[illegible] directam [illegible]
[illegible] directa [illegible]
utilem [illegible] l. [illegible]
[illegible] l. [illegible] ff. de [illegible]
[illegible] libelli [illegible] directam [illegible]
[illegible] utilem [illegible] libelli et [illegible] directam
[illegible] actio [illegible] directam [illegible]
[illegible] et [illegible]
[illegible] utilem [illegible] libelli [illegible]
[illegible] ff. de [illegible] libello
[illegible] ff. de [illegible] l. [illegible]
[illegible] intelligi [illegible] ff. de [illegible]
[illegible] l. i. [illegible] et [illegible] ff. de [illegible] l. [illegible]
[illegible] et [illegible] et [illegible]
[illegible] intelligitur de [illegible] et dicit [illegible]
[illegible] et [illegible]
[illegible] ff. [illegible]
[illegible] agendo [illegible] directam [illegible] ff. de [illegible]
[illegible] utilem [illegible] et ff. de [illegible] et [illegible] l. [illegible] et [illegible]
[illegible] ff. [illegible] et [illegible]
[illegible] dicit [illegible] intelligitur de [illegible]
[illegible] l. [illegible] est agit utilem et directa [illegible]
[illegible] ff. de [illegible]
[illegible] dicit [illegible]
[illegible] et [illegible]
[illegible] utiles [illegible]
directam [illegible] directam [illegible] utilem [illegible] et [illegible]
[illegible]

319 [illegible]

111

[illegible]

182

[illegible]

53

[illegible] 318

[illegible] 381

De Test.

468

[illegible]

380

~~378~~ [illegible]

244

[illegible]

[illegible]

381

[illegible]

382 [illegible]

463

[illegible]

statuus ecclesie de qua queritur [illegible] habeat hec consuetudo [illegible] Nam alique sunt ecclesie
in quibus non est numerus certus canonicorum nec distinctio prebendarum de presbyteris, diaconis et subdiaconis
nec potest induci hec consuetudo. Et non potest reperiri quod in talibus ecclesiis aliqui presbyteri
habeant prebendas vacantes [illegible] non potest ut [illegible]
Aliquando sunt ecclesie in quibus licet sit numerus certus canonicorum sed nullus est numerus et
distinctio prebendarum ut in [illegible] presbyteris [illegible] Si autem [illegible] et [illegible]
non potest induci hec consuetudo [illegible] maior [illegible] quod in talibus
ecclesiis per administrationem capitulum [illegible] certi canonici et ubi quando
sunt pauci [illegible] sunt [illegible] plures vel pauciores [illegible]
[illegible] ad [illegible] vel ad [illegible] prebendarios [illegible]
recipiunt minores portiones quando plures recipiunt minores ut [illegible]
Si autem aliquando sunt ecclesie in quibus est certus numerus canonicorum et per consequens
certus numerus canonicorum et [illegible] sed non distinctio prebendarum [illegible]
sunt que ad divisionem et administrationem capituli [illegible] et per quod bona [illegible]
in quodam communi absque aliqua actuali [illegible] distinctione vel institutione
numerus prebendarum correspondens numero canonicorum [illegible] prebende [illegible]
[illegible] vacant portiones [illegible] de presbyteris et diaconibus et
in istis ecclesiis sunt observare [illegible] aliquibus capitulis [illegible]
bonorum divisio et possessiones [illegible] administratio et fructus [illegible]
tot facit equales portiones quot sunt canonici et in quibus [illegible]
sunt esse [illegible] ut puta quia est sacerdos plus debet quam diaconus et dya-
conus plus quam subdiaconus et in istis talibus capitulis [illegible] et ubi [illegible] et
[illegible] proveniunt quod loquuntur et sunt [illegible] in talia [illegible] in
huius ecclesiis hec consuetudo [illegible] possit induci quia [illegible] prebende
non sunt titulo beneficiales sed sunt actuales et [illegible] portiones quas
bonorum administratio [illegible] divisio fructuum
[illegible] fructibus [illegible] capituli [illegible] reperitur [illegible]
[illegible] in aliquibus vero ecclesiis in quibus est certus numerus canonicorum
et in quibus est et per bona capituli absque aliqua actuali distinctione [illegible]
est numerus prebendarum correspondens numero canonicorum capitulum ad quod spectat
divisio bonorum sed administrat possessiones [illegible] bona tot
in tot prebendas quot sunt canonici et quibus [illegible] capitulum [illegible] presbyteris
sed et hec consuetudo fuit ad [illegible] quod capitulo placuit et [illegible]
[illegible] divisio bonorum [illegible] prebende
sunt divise [illegible] possessiones quod [illegible] divisio [illegible] possit
reperiri [illegible] in aliquibus ecclesiis [illegible] canonicorum [illegible] antiquitus
[illegible] in aliquibus [illegible] fuit hec [illegible] divisio ecclesiarum consuetudo

ut no(tat) Jo(hannes) an(dreae) i(n) novell(a) in al(legato) c(apitulo) et in ista sup(er) glo(sa) p(re)... vacan(tem) [illegible]
[illegible] [illegible] benefi(cium) p(re)bendas [illegible] eccl(es)iis [illegible] et p(ro)
[illegible] et i(n) [illegible] [illegible] [illegible] [illegible] p(re)bendas [illegible]
[illegible] [illegible] [illegible] [illegible] p(re)bendam que [illegible]
[illegible] [illegible] et sic [illegible] [illegible] [illegible] et in ista eccl(es)ia [illegible]
possent [illegible] [illegible] [illegible] [illegible] ista eccl(es)ia can(onica)tus [illegible]
[illegible] [illegible] [illegible] [illegible] possit [illegible] p(re)bend(a) ut sit [illegible]
beneficialis [illegible] actual(iter) distincta [illegible] [illegible] p(re)benda i(n)
[illegible] [illegible] [illegible] [illegible] [illegible] est [illegible] [illegible] [illegible]
[illegible] [illegible] magna [illegible] que [illegible] [illegible] [illegible] [illegible]
et in isto casu [illegible] [illegible] [illegible] doctor [illegible] [illegible] [illegible]
[illegible] in ista [illegible] [illegible] [illegible] [illegible] [illegible] aliq(ui)b(us)
[illegible] eccl(es)iis [illegible] [illegible] can(onica)tum et [illegible] [illegible] [illegible] que [illegible]
p(re)bende sint [illegible] actual(iter) et real(ite)r distincti [illegible] [illegible] [illegible]
[illegible] actual(iter) et real(ite)r ab alio distincta [illegible] [illegible] et [illegible]
actual(iter) et real(ite)r distincta a dote et [illegible] [illegible] et [illegible]
p(re)benda est [illegible] [illegible] et si [illegible] [illegible] [illegible] est [illegible] [illegible] et
[illegible] [illegible] real(ite)r distincta p(re)benda [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] statuto sint [illegible] [illegible] eccl(es)ie [illegible]
et Anglie et [illegible] [illegible] [illegible] [illegible] et [illegible] eccl(es)iis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] magna [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] doctores [illegible] [illegible] [illegible] et
[illegible] que [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] p(re)bendam [illegible] [illegible] [illegible]
[illegible] can(onica)tus [illegible] fuerat [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et p(re)benda [illegible] [illegible] [illegible]
[illegible] [illegible] habet [illegible] ad aliam ut [illegible] [illegible] et [illegible]
et [illegible] [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible] et [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] can(onica)tus [illegible] [illegible] [illegible]
p(re)bendam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] can(onica)tus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
fuerat [illegible] et ad [illegible] [illegible] [illegible] et [illegible] [illegible]

quod praedicti argumentum sic solvitur quia licet ecclesia [illegible] praebenda cum [illegible] et ipsius
aliam [illegible] actualiter et realiter dismembratam a prima [illegible]
et nomen canonicatus quia [illegible] canonicis [illegible] praebenda dimissa et illa
quia vacarent [illegible] praebenda quae recipit [illegible] praebendarum et pars [illegible]
superius alleg. [illegible] nomen beneficium ecclesiasticum realiter et actualiter dismembratum
ab ipso quod dimittit ut ipsa pars et [illegible] praebendae [illegible]
et [illegible] sic [illegible] ecclesia [illegible] praebendarum canonicorum quae in
admissione oportet aliam realiter et actualiter dismembratam [illegible]
nomen beneficii ecclesiastici a prima realiter dismembrata [illegible] est notorium cum
quod aliquis sine canonicatu [illegible] superius habeat beneficium ecclesiasticum igitur
in ista [illegible] opinionis [illegible] per [illegible] doctorum [illegible] et sic ut
sit [illegible] dismembratam doctorum aut praebendae ut sit tituli beneficialis
et ecclesiastici sive [illegible] actualiter distincte aut ut sit tituli beneficialis
et ecclesiastici sive [illegible] distincte [illegible] capitulares
ut alias [illegible] dismembratam [illegible] et [illegible]
[illegible] quia [illegible] praebendae [illegible] dimitti titulus
beneficialis qui [illegible] habebatur et [illegible]
opinionis [illegible] sit [illegible] per doctorum quam [illegible]
cum [illegible] canonicatu [illegible] praebenda ut ipsa
[illegible] titulus beneficialis quae [illegible] habebatur dimitti [illegible] canonicatus
et [illegible] canonicatus [illegible] et sola praebenda [illegible]
[illegible] canonicatu [illegible] et sit sola [illegible]
[illegible] et in ista [illegible] sufficerent [illegible] quae [illegible] et
nullam repugnantiam [illegible] et ista dismembratio [illegible]
facit [illegible] et [illegible] ordinaria [illegible]
et [illegible] ubi [illegible] duos canonicatus [illegible]
[illegible] praebendas [illegible] videlicet [illegible] dismembrationem [illegible]
quod [illegible] esse sit [illegible] non [illegible] dicti superius [illegible] beneficii
ecclesiastici [illegible]
dicti [illegible] dimitti beneficium ecclesiasticum neque [illegible] canonicatu [illegible]
et [illegible] praebenda [illegible] quae dimittit dicti [illegible] ista [illegible]
cum [illegible] praebendae [illegible] et [illegible]
[illegible] est notissimum et [illegible] dicat [illegible] dimittit [illegible]
quae facit [illegible] assertionem [illegible] et [illegible]
[illegible] quod [illegible] aliquis [illegible] secundum beneficium [illegible] assertionem
[illegible] superius [illegible]
ut in [illegible] et [illegible] quod [illegible] et non [illegible] placuit et [illegible]

q. y. c. i. et plene ponit in spali c. adimonent et legem [illegible] [illegible]
[illegible] illa conf^do cor pus d. et eo admittit inductionem [illegible] a capitulo [illegible]
presentatum [illegible] [illegible] ut [illegible] de dedicatione [illegible] [illegible] ista conf^do a cor
[illegible] que [illegible] [illegible] [illegible] adversus [illegible] [illegible] conf^do [illegible]
hoc [illegible] [illegible] [illegible] [illegible] sit distinctio [illegible] ecclesia
de [illegible] [illegible] [illegible] [illegible] ecclesia [illegible] de [illegible] et c.
[illegible] [illegible] de [illegible] [illegible] de alio c. cum [illegible] [illegible]
[illegible] et ubi [illegible] [illegible] conf^nis ista [illegible] debita [illegible]
[illegible] et [illegible] glo. que incipit [illegible] et si [illegible]
dicit de [illegible] [illegible] et dicit [illegible] de [illegible] [illegible] quod [illegible]
[illegible] [illegible] conf^nis [illegible] [illegible] cor pus simplex [illegible] cor [illegible]
quo addendo c. [illegible] quod [illegible] glo. c. [illegible] ad [illegible] capitulum [illegible]
Michael [illegible] dicit [illegible] quod prohibet dimissiones et commutationes [illegible]
[illegible] et [illegible] dimissiones quod [illegible] [illegible] quod intelligitur de [illegible]
[illegible] ecclesie et hoc quod ista conf^do sit cor pus [illegible] [illegible]
[illegible] [illegible] c. cum [illegible] glo. que incipit [illegible] et quod [illegible] et
quod [illegible] ecclesia [illegible] [illegible] dimissa [illegible] [illegible] sit cor pus
[illegible] glo. et [illegible] c. si [illegible] de [illegible] [illegible] [illegible]
sit [illegible] quod ecclesia ubi [illegible] ecclesie [illegible] vel [illegible] admittit
presentationes [illegible] [illegible] quod [illegible] de [illegible] c. [illegible]
[illegible] ista distinctio quod [illegible] quod sit cor pus sit necessarium
[illegible] qualis sufficiat [illegible] [illegible] conf^nis et presentationem sit
[illegible] [illegible] [illegible] [illegible] quod [illegible] sufficiat [illegible] quod
[illegible] presentatione [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] de [illegible] et [illegible] c. cum ecclesia [illegible] de [illegible] c. [illegible]
et [illegible] c. [illegible] sit [illegible] distinguendum [illegible] conf^do quod [illegible]
tangit [illegible] [illegible] vel [illegible] et [illegible] si non sit cor pus [illegible]
[illegible] quod [illegible] [illegible] alias quod [illegible] et inductionis conf^nis
[illegible] [illegible] [illegible] [illegible] [illegible] alias [illegible] quod [illegible]
[illegible] et sic intelligitur c. [illegible] cum [illegible] [illegible] [illegible]
ecclesias [illegible] [illegible] [illegible] [illegible] vel [illegible] et [illegible]
[illegible] conf^nis [illegible] [illegible] [illegible] [illegible] presentationem [illegible]
[illegible] vel [illegible] [illegible] [illegible] [illegible] distinctionem facit [illegible] c. cum
[illegible] de conf^e et [illegible] [illegible] [illegible] et [illegible] et
c. [illegible] et [illegible] [illegible] [illegible] [illegible] de conf^e c. si ubi
[illegible] de [illegible] [illegible] conf^do [illegible] [illegible] [illegible] quam [illegible] presentationem
[illegible] ad [illegible] [illegible] [illegible] videtur quod [illegible] de [illegible]

que non e[st] cor[am] iud[ice] vel s[ic] e[st] h[oc] t[ame]n alterius i[n]ter appellationem ad r[egem] s[ed] videt[ur]
p[ro]cedere [illegible] vel alio [illegible] sicut g[lossa] dicamus q[uod] ista [illegible]
n[on] e[st] cor[am] iud[ice] vel aliqui [illegible] sicut dicamus q[uod] e[st] cor[am] iud[ice] sed h[abe]t
i[n]ter appellationem clare d[ebe]atur [illegible] tamen [illegible] [illegible]
[illegible] vel [illegible] [illegible] et [illegible] ubi in [illegible] gl[ossa] [illegible]
[illegible] [illegible] et [illegible] si aliquis tamen [illegible]
in [illegible] [illegible] gl[ossa] [illegible] ad [illegible] oportet [illegible]
gl[ossa] vel [illegible] q[ui] e[st] [illegible] iud[ex] vel [illegible] iud[ex] q[ui] et in alio [illegible]
g[ra]t[ia] i[n]ter [illegible] alterius [illegible] vel [illegible] [illegible]
[illegible] sufficiat [illegible] [illegible] [illegible] [illegible]
sit [illegible] vel [illegible] et non iud[ex] q[ui] [illegible] [illegible] vel [illegible]
[illegible] vel [illegible] [illegible] ad aliam [illegible] [illegible] et
tunc [illegible] [illegible] [illegible] [illegible] [illegible] vel [illegible]
et ista [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] aliam [illegible] [illegible] ista [illegible] non e[st] cor[am] iud[ice] q[ui] [illegible]
[illegible] [illegible] [illegible] alterius [illegible] [illegible] et t[ame]n [illegible]
i[n]ter [illegible] in [illegible] [illegible] [illegible] vel [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] est [illegible] [illegible] vel [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] et [illegible]
[illegible] et [illegible] [illegible] [illegible] ista [illegible] [illegible] e[st]
cor[am] iud[ice] q[uod] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] cor[am] iud[ice] q[uod] [illegible] [illegible] [illegible]
ut non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
e[st] cor[am] iud[ice] q[uod] [illegible] [illegible] [illegible] ista [illegible]
[illegible] [illegible] vel [illegible] et t[ame]n [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
vel [illegible] et [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] ista [illegible] [illegible]
[illegible] [illegible] non e[st] cor[am] iud[ice] sed [illegible] [illegible]
[illegible] et t[ame]n [illegible] [illegible] [illegible] et [illegible] et [illegible]
[illegible] [illegible] [illegible] sed [illegible] [illegible] vel s[ic] dicimus q[uod] non
e[st] cor[am] iud[ice] t[ame]n [illegible] [illegible] i[n]ter alterius [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] et si
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] q[uod] [illegible]
aliam [illegible] [illegible] aliam [illegible] et aliam [illegible] et [illegible]
[illegible] [illegible] [illegible] in vel [illegible] vel [illegible] [illegible]

principium [illegible] non potest esse nisi [illegible] et [illegible] et ista sola ratio videtur
sufficit ad distinguendum oppositionem [illegible] quaelibet dicit [illegible] et
[illegible] alias oppositionem non tenet
sed facit distinctionem [illegible] et [illegible] quae [illegible]
quia [illegible] Nam [illegible]
[illegible]
[illegible] sufficiat [illegible]
[illegible] Nam [illegible]
[illegible]
[illegible]
[illegible]

si licet sit bene[ficium] [illegible] per alio[rum] [illegible] requirit[ur] [illegible]
ut in all[egato] c[apitulo] [illegible] poss[ess]or [illegible] [illegible] licet [illegible] et [illegible] sit
q[uod] ille qui longiori t[em]p[or]e [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] c[apitulo] [illegible] et [illegible] [illegible] glo[sa] all[egata] [illegible]
[illegible] [illegible] acceptat [illegible] [illegible] [illegible] [illegible] all[egata]
[illegible] q[uod] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ille qui [illegible] [illegible] [illegible] titulo et
sic [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] glo[sa] q[uod] si [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et q[uod] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et sic [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] sit [illegible] [illegible] si aliquis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] qui [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] et [illegible] est [illegible] et [illegible] ut [illegible] [illegible]
[illegible] all[egata] et [illegible] [illegible] all[egata] [illegible] [illegible] q[uod] [illegible]
q[uod] ille qui [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] titulum ut [illegible] [illegible] et si [illegible] [illegible] et [illegible]
[illegible] all[egata] [illegible] licet [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] licet [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] si [illegible] [illegible] licet [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] et licet [illegible] [illegible] [illegible] titulum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] titulum [illegible] [illegible] [illegible]
ecclesia [illegible] [illegible] titulos [illegible] [illegible] qui [illegible] et all[egata] [illegible]
[illegible] [illegible] [illegible] et [illegible] glo[sa] et [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ut titulum et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] et [illegible] et sic [illegible] [illegible] [illegible] ut titulus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] et [illegible] ut [illegible] si [illegible] [illegible] all[egata] [illegible] et [illegible]
[illegible] q[uod] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] q[uod] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] licet [illegible] [illegible] [illegible]

[illegible]

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[illegible]

alis accederet ad gehennam de iure suo liceat et mereret penam a iure [illegible]
inflictam ut in c. cum aliqui de re iud. li. vi. [illegible]
[illegible] faciat non possit app[ellare] [illegible]
[illegible]

cuius electa industria et persona est deducta et sicut [illegible] vide-
licet [illegible] appellans pars et quia in dicta cle(mentina) iudicis eius [illegible] pars est
magna glo(ssa) vide(licet) [illegible] facere [illegible] ubi d(icit) q(uod) [illegible] cui [illegible]
de persona [illegible] videtur [illegible] [illegible] [illegible]
ad illa [illegible] [illegible] et similiter [illegible] [illegible] non [illegible]
[illegible] delegatus et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et in regula [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et delegabilis [illegible] [illegible] [illegible]
ut ibi deducit et [illegible] [illegible] [illegible] et [illegible] persone [illegible] [illegible]
[illegible] ad [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] non posset
[illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] persona [illegible] non sit [illegible]
sed [illegible] in [illegible] non [illegible] [illegible] [illegible] non posset [illegible] ad aliquem [illegible]
[illegible] [illegible] [illegible] si facit non valet [illegible] [illegible] [illegible] mandati [illegible]
[illegible] diligenter est observandum ut in [illegible] delegatis [illegible] ubi [illegible]
et [illegible] non sit [illegible] [illegible] [illegible] [illegible] non [illegible]
regula et [illegible] [illegible] [illegible] Lazaro [illegible] [illegible] [illegible] dicta [illegible]
posse [illegible] subdelegationem in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et observationem [illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] et [illegible] aliis auditoribus [illegible] [illegible] [illegible] [illegible] dubio [illegible]
[illegible] [illegible] [illegible] [illegible] et credo [illegible]

lxxxxxx [illegible] q(uestio)

Septingentesima tricesima septima conclusio. In conclusione prelati agentis ~~387~~ 388
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] capituli [illegible] ista [illegible] [illegible] [illegible]
in [illegible] [illegible] fuit obtentum [illegible] [illegible] [illegible] domini [illegible] cardinalis
[illegible] [illegible] [illegible] et debet esse [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dubio [illegible] [illegible]
si prelatus [illegible] administrator [illegible] in quibus [illegible] sit administrator [illegible]
et [illegible] et [illegible] [illegible] magna [illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] in quibus prelatus [illegible] administrator [illegible] [illegible] [illegible] [illegible]
conclusio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] conclusio administratoris
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ibi [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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qui mandans [illegible] sui litteras administratoris sibi competentis super suo
prelatus [illegible] quod dicti generis et sindicis per [illegible] constitutis
et revocatis de genere [illegible] de iudicii [illegible] non aliis [illegible] respondit
[illegible] gerendis sunt [illegible] et [illegible] quia de ista parte est
casus [illegible] si adiungens de [illegible] intelligatur de confessione
prelati quod aliquando videtur generalis glossa [illegible] non esset administrator litterarum
[illegible] et [illegible] esset de [illegible] et [illegible] parte
[illegible] et [illegible] et glossa [illegible] quod [illegible] sui
capituli ita [illegible] de [illegible] constantinopolitano [illegible] glossa [illegible] de generis
[illegible] de iudicis et [illegible] et glossa videtur [illegible] glossa [illegible]
[illegible] constat [illegible] litteras administratoris
ad prelatum et [illegible] ad [illegible] videtur [illegible] prelati sit administratio
litterarum [illegible] et [illegible] et congregationis et [illegible] iudicio
[illegible] defendendis ut [illegible] et agendis ut [illegible] de [illegible] de
iudicio [illegible] quod [illegible] non [illegible] civitatis [illegible]
[illegible] prelatus [illegible] congregatione sit [illegible] et
[illegible] quod [illegible] non [illegible] administrationem [illegible]
[illegible] non tollet prelato litterarum administrationem [illegible] bonorum
[illegible] prelatus [illegible] esset de administratione [illegible]
congregationis [illegible] quod administratio
ut [illegible] ad prelatum videtur quod debeat [illegible] sui
litteras [illegible] ad prelatum videtur quod [illegible] sui
congregationis ut de generis [illegible] de iudicii [illegible] ut [illegible]
non [illegible] quod administrator litterarum de [illegible] alius
[illegible] administrationem [illegible] et [illegible] dicta et
[illegible] administrationem [illegible] ordinis [illegible]
alia [illegible] quod [illegible] sicut
[illegible] iudicia ut [illegible] et [illegible] qui si [illegible] et [illegible]
[illegible] quod aliqui dicunt quod [illegible]
[illegible] dico quod si agat prelatus [illegible]
[illegible] capituli [illegible] valet quod [illegible] dubio [illegible]
[illegible] capitulum [illegible]
[illegible] non [illegible] posset [illegible] et [illegible] quod [illegible]
[illegible] quod [illegible] alicuius
[illegible] ad aliquos [illegible] sibi [illegible]
[illegible] quod [illegible] valet quod [illegible]
[illegible] non [illegible]
[illegible] et [illegible]
et non alias [illegible] quod ubi [illegible]

regula quod sufficit quod intimetur appellato sed et ... si actus appellationis ... [illegible]

[illegible]

384

470

[illegible]

386

licet q(uaestio) d(icitur) quod in totum sequi concludenda quod primo supposito isto fore
in quod Radulphus conveniens adversus quendam dominum Hugonem [illegible]
per acceptationem publicam dignitatis [illegible] officiorum vero tenuerat [illegible]
[illegible] et cantoriam dicte ecclesie beate [illegible] dicte gratie de sua
acceptaverit cum dictus non possit cum quod tempore praedicta et cantoria
erat specialiter reservata et per reservationem dictam constat cum quo ad can-
toriam erat quod cantoria est dignitas post pontificalem maior in collegiata
tenuerit et per istam acceptationem fuit opponi dicendo non fuerit
gratie et adeo acceptationem sed secundo modo quod gratie speciales erant vel
non erant de dignitatibus post pontificalem maioribus et ideo opposita obtinuit adeo
non sibi decretum placendum fidem [illegible] tres speciales reservatione
reservationem obtinendo erat oppositionem secundum in litteris quod dicta cantoria erat
dignitas maior post pontificalem et tamen opponantur cum litteris [illegible]
comprehendantur in cancellariam et non comprehendantur vel si quod fuit comprehensum
non comprehendatur constitutionem demandetur quod talis persona non habet [illegible] quod litteris
non comprehendatur [illegible] fuit [illegible] dignitas maior post pontificalem et de hoc
[illegible] [illegible] fuit [illegible] dignitas [illegible]
[illegible] in [illegible] et in litteris [illegible] fuit [illegible]
cum talis [illegible] sufficeret ad [illegible] litteras [illegible]
[illegible] quo ad [illegible] quod [illegible] talis sit [illegible]
quod [illegible] alterum obstat [illegible] impedimentum licet fuit sibi de gratia
sublatum [illegible] non [illegible] tollitur aliud et ideo adhuc alio [illegible]
totum adhuc remanet impedimentum et [illegible] dicitur [illegible] [illegible] l. si domus
de [illegible] [illegible] et [illegible] [illegible] de [illegible] [illegible]
non dicta acceptatio non valebat ex duplici capite [illegible] quod gratia
non extendebat ad dignitates [illegible] maiores post pontificalem secundo quod [illegible] erat
reservata et non [illegible] [illegible] impedimento [illegible] non impedito
adhuc remanet totum impedimentum secundo [illegible] in gratia aliquid
[illegible] vel tacitum quo non [illegible] vel non tacito [illegible] [illegible]
[illegible] et gratia [illegible] et [illegible] de [illegible] [illegible] ad
[illegible] de [illegible] et [illegible] [illegible] ista est quod [illegible]
[illegible] quod [illegible] dicte acceptationis [illegible] dicta cantoria [illegible] [illegible]
[illegible] quia [illegible] acceptatio non valebat [illegible] quod dicta can-
toria dignitas [illegible] dictis litteris non cadebat [illegible] dignitatis maioris
post pontificalem [illegible] in dictis litteris [illegible] acceptata [illegible] non quod
[illegible] non tacitis [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] [illegible] gratia [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] non [illegible] collatoris et habilitatis [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] dici [illegible] [illegible] [illegible] quod non [illegible] dici

Iste supposito fuit q(uaestio)

[illegible]

ista gratia defectuosa propter falsam suggestionem quia si diceretur licet fuisset
falsa suggestio [illegible] esset [illegible] quod sua suggestione fuisset ordinarius
acceptatus quod ex solo fuisset [illegible] quia [illegible] reservato [illegible]
dico quod licet [illegible] fuisset in suggestione quia [illegible]
[illegible] non aliud [illegible] possent esse [illegible]
esset [illegible] ut placet [illegible] facit [illegible]
[illegible] quod non [illegible] dici [illegible] gratia [illegible]
quia si [illegible] diceretur licet esset [illegible] quod tacitum esset in gratia quod
in gratia [illegible] fuit falsa acceptatio [illegible] dignitates
[illegible] specialiter [illegible] non obstat [illegible]
~~[illegible]~~ taciturnitas quod [illegible] et [illegible]
[illegible] esse [illegible]
facit [illegible] non [illegible] obstaculo [illegible] obstaculum
aliud et [illegible] aliud tollere [illegible] quod [illegible] aliquid diceret ut
[illegible] aliquid sibi [illegible] tollere aliud ut ff de [illegible] l.
[illegible] ut ff de [illegible] l. quod [illegible] ubi [illegible]
[illegible] l. [illegible] oportet aliquid dicere aliam [illegible]
[illegible] ut ff de actionibus [illegible] l. [illegible] ff
de edilicio edicto l. i. § si intelligatur [illegible] facit [illegible]
non [illegible] et [illegible] ut [illegible] l. [illegible] quod [illegible]
[illegible] non valeat [illegible] l. [illegible] narratio [illegible] quod [illegible]
[illegible] potuit [illegible] esse [illegible] l. [illegible] ut diceretur quod
[illegible] quod non dicat non obstante [illegible] l. [illegible]
[illegible] de [illegible] c. i. [illegible]
[illegible] et [illegible] tollere [illegible] non facit [illegible] quod [illegible]
[illegible] et [illegible] quod [illegible] facit quod non [illegible]
glo. [illegible] quod [illegible] nova [illegible]
[illegible] tollere [illegible] quod [illegible]
non facit [illegible] l. [illegible]
[illegible] c. [illegible] ubi dicit quod [illegible]
[illegible] abdicata non valet si beneficium est reservatum
ut de [illegible] non est [illegible] reservatio [illegible] et [illegible]
[illegible] quod [illegible] fuisset [illegible]
non fuisset [illegible] esse [illegible] quod [illegible]
narratio [illegible] debent [illegible] quod [illegible]
dignitas electiva quod [illegible]
[illegible] quod in [illegible]
[illegible] non est [illegible] quod [illegible]

emptor debeat emptam venditori vendicare [illegible] sibi esset [illegible] vendi-
tionem [illegible] non esset ut ff. de acti. emp. l. emptor [illegible] [illegible] alia
[illegible] et [illegible] deductio sit quia aut [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] quod traderet quod [illegible] sibi [illegible] [illegible] [illegible] [illegible] [illegible] digestis
[illegible] [illegible] aut [illegible] quod [illegible] putarunt quod [illegible] [illegible] fuit [illegible] [illegible]
[illegible] quod dignitas [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] videtur
[illegible] quod [illegible] [illegible] potuisset [illegible] dici [illegible] [illegible] dicto [illegible] [illegible] quod
[illegible] dici non [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] esset ab
[illegible] et [illegible] [illegible] l. [illegible] [illegible] est de [illegible] [illegible] [illegible] [illegible]
[illegible] quod [illegible] [illegible] non [illegible] dignitas [illegible] [illegible] [illegible]
si non [illegible] [illegible] et [illegible] ordinationes [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] dicto [illegible] quod [illegible] dici [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible]
[illegible] et l. [illegible] [illegible] ff. ad l. [illegible] [illegible] quod [illegible] quod [illegible]
debent [illegible] [illegible] [illegible] de eo quod sibi non [illegible] et de eo [illegible] ut
l. [illegible] l. et l. [illegible] ff. de [illegible] emp. [illegible] [illegible] est quod de-
bent [illegible] ut [illegible] [illegible] quod non fuit [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] dignitas [illegible] valet [illegible] [illegible] [illegible] non [illegible]
[illegible] [illegible] et [illegible] [illegible] ad [illegible] [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] est quod [illegible] [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] potuisset [illegible] [illegible] [illegible]
[illegible] esse [illegible] [illegible] sibi [illegible] ut est [illegible] in l. [illegible] ff. de [illegible]
l. [illegible] [illegible] [illegible] [illegible] et l. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] potuit [illegible] [illegible]
[illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible]
[illegible] [illegible] [illegible] potuisset ad [illegible] [illegible] ad [illegible] [illegible]
[illegible] sed [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] de [illegible] est
[illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] est [illegible] [illegible]
est quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] tali [illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ut no. glo. [illegible] i. de [illegible] [illegible]
quod [illegible] sed [illegible] [illegible] [illegible] valet [illegible] [illegible] quod non [illegible] de [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] et [illegible]
[illegible] de [illegible] [illegible] si fuisset [illegible] [illegible] [illegible] potuisset
[illegible] ad [illegible] ut [illegible] et [illegible] [illegible] [illegible] [illegible]

nec ipsa est quia hic non possumus dicere litteras impugnari post collationem [illegible]
et non aperte aliquam falsam expressionem quia expressum [illegible] litteras non sufficit ad [illegible]
dictam collationem [illegible] [illegible]
nisi [illegible] magis est de [illegible] attenta [illegible] et quod [illegible] est
[illegible] sed [illegible] [illegible]

De [illegible] surreptione

Adiciendus [illegible] facile videtur ad [illegible] est [illegible] non [illegible] impedimentum tollens et [illegible] [illegible] videtur [illegible] [illegible] et aliud [illegible] ad [illegible] sufficienter [illegible]

XLI[a] casu [illegible]. Supponamus quod [illegible] sit [illegible] ad [illegible] abbatis et conventus [illegible] Petri [illegible] [illegible] ecclesia parrochialis [illegible] quod [illegible] possidet [illegible] [illegible] [illegible] et [illegible] [illegible] ad [illegible] et [illegible] [illegible] ad [illegible] [illegible] citatione [illegible] auditorum [illegible] [illegible] Johannes impetravit dictam ecclesiam [illegible] de [illegible] non [illegible] [illegible] de commissione et decreto citationis [illegible] [illegible] dicitur quod sit [illegible] citationis [illegible] ad [illegible] [illegible] commissionem [illegible] commissionis [illegible] non [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] commissionem [illegible] est quod non de surreptione [illegible] non obstante [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] illud [illegible] de [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] est non [illegible] [illegible] non [illegible] [illegible] non [illegible] [illegible] [illegible] non obstante [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] citatio non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] citatio [illegible] [illegible] [illegible] [illegible] de quo est [illegible]

De probationibus

XLII casu. Supponamus quod [illegible] [illegible] capitulum et [illegible] ecclesiam parrochialem quod ad omnia bona temporalia et spiritualia [illegible] [illegible] et [illegible] predicandi confessiones audiendi et omnia sacramenta ecclesiastica ministrandi et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] qui [illegible] [illegible] [illegible] et [illegible] et recipiet [illegible] et [illegible] [illegible] sacramenta [illegible] ministrando et qui [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] qui [illegible] [illegible] et applicabant [illegible] [illegible] [illegible] [illegible] ubi fuit [illegible] quorum [illegible] [illegible] [illegible]

472

473

381

ipsa · decanum ecclesiam tamquam beneficium et dignitatem obtinent nec habet supe-
riorem et tempore quibus predicti collegii decanum beneficium esse perpetuum et non
temporalem et si quis [illegible] eadem post deliberationem et declarationem [illegible] fuerit [illegible]
quod etiam tempore [illegible] [illegible] ad instantiam eorum plenus [illegible] et quos ad eundem
supradicta beneficia [illegible] perpetuus qui recepit eundem quos ad regimen [illegible]
aliquando [illegible] glo. de [illegible] [illegible] et est [illegible] de
[illegible] li. vi et [illegible] [illegible] [illegible] [illegible] [illegible]
aliquando [illegible] est [illegible] [illegible] [illegible] quod dico [illegible] est
[illegible] [illegible] ut [illegible] [illegible] sed [illegible] beneficium [illegible] sed [illegible] beneficiales [illegible]
[illegible] sed [illegible] [illegible] alias non [illegible] [illegible] ideo tempore sibi
[illegible] non [illegible] de beneficiis [illegible] in c. de offi. archi. c. i. nec obstat
quod [illegible] quod [illegible] si [illegible] et [illegible] [illegible] [illegible] [illegible] beneficium
esse perpetuum [illegible] [illegible] ut [illegible] de [illegible] [illegible] · licet [illegible] [illegible]
[illegible] ff. de adop. [illegible] [illegible] [illegible] [illegible] collator [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] de offi. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ff. de [illegible] [illegible] [illegible]
ff. de [illegible] et de [illegible] [illegible] legato sed [illegible] [illegible] ut [illegible] [illegible] videtur [illegible]
et archi. [illegible] [illegible] ad quod [illegible] non possit beneficium temporale [illegible] [illegible]

[illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] legum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ff. de legi. [illegible] de [illegible] [illegible] [illegible] appellabatur [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod ad [illegible] si [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] possit [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible] legato et [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] beneficium non [illegible] [illegible]
ad aliud puta [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] esse
[illegible] et [illegible] [illegible] perpetuum beneficium et [illegible] [illegible] [illegible]
[illegible] et [illegible] de offi. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] possit [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ff. [illegible] [illegible] li. [illegible] [illegible] [illegible] [illegible] [illegible]
beneficium perpetuum [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] est
[illegible] ad [illegible] quod aliquis [illegible] quod [illegible] [illegible] possit [illegible] ut [illegible]
[illegible] [illegible] beneficium temporale [illegible] [illegible] de offi. archi. [illegible] [illegible]
obstat quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
quod [illegible] et [illegible] de beneficia [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ff. de offi. [illegible] li. [illegible] de [illegible] [illegible] [illegible]
li. vi [illegible] ut [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] quod [illegible]
non licet [illegible] non [illegible] [illegible] quod [illegible] [illegible] non [illegible] beneficium [illegible]
[illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible]

474

[illegible]

382 +

475

[illegible]

389

476

[illegible]

pl. c. l. fi. et instituta c. l. error ff. de iur. et fac. ignor. magis
[illegible] et non in [illegible] in constitutione [illegible] ff. [illegible]
in glo. l. actor [illegible] et ita probatur [illegible]
quod fi. [illegible] ff. de iur. et fac. ignor. l. in et l. regula et de [illegible] l. in qui
[illegible] sunt apostolica et l. [illegible] et l. [illegible]
[illegible] et ita non [illegible] et de [illegible] non [illegible] glo. [illegible] et ibi
plene [illegible] supplere dum voluit dicere quod [illegible] sub [illegible] clericos
[illegible] et non [illegible] et [illegible] de [illegible]
et non alie [illegible] de alia [illegible] loquitur [illegible] dum
de [illegible] de [illegible] qui sunt apostolica [illegible] dic. [illegible] et [illegible]
dum Neapolitani [illegible] capitulum [illegible]
[illegible] intelligo quo ad effectum [illegible] interpretari
et ita probat quod [illegible] ut [illegible] quo ad effectum validandi
alienandi [illegible] et ita probatur [illegible] dic. [illegible] que [illegible]
[illegible] et de alienatione [illegible] ut [illegible] in constitutione et de [illegible] que sunt
ap. et ita probatur quod glo. ibi non [illegible] intelligi [illegible]
[illegible] non [illegible] et ita probatur quod non [illegible] constitutione
[illegible] quo supposito quod certa [illegible] titulo [illegible]
[illegible] quo ad spiritualia [illegible] et temporalia [illegible] et plenam
administrationem [illegible] quo ad spiritualia [illegible] salvo quod debet [illegible]
et liberam [illegible] et fructuum [illegible] et [illegible] recipiat [illegible]
[illegible] capellanum [illegible] et [illegible]
ut [illegible] eucharistie portat [illegible]
[illegible]
capellanus et [illegible]
[illegible] et [illegible] qui ibi [illegible] et
ut [illegible] valeat et in aliquo [illegible] dubio
sunt [illegible] aliquid [illegible]
[illegible] de l. i. fi. [illegible] quod [illegible]
[illegible] et de [illegible] pastoralis et de [illegible] plus
[illegible]
[illegible]
et declarare [illegible] ad [illegible] et
[illegible]
debet declarare libellum et [illegible] capellani [illegible]
[illegible]
[illegible] ff. de l. [illegible] ff. [illegible]
[illegible] et non [illegible] est [illegible] de
[illegible] non [illegible] de [illegible] glo. magna [illegible] quod si
[illegible] non [illegible] de plus [illegible] glo.
[illegible] dicti [illegible] et [illegible]

388

390

de [illegible]

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indebitatur est cum dicit de iure quod iudex qui de proprietate cognoscit [illegible]
cognitionem possessionem actoris [illegible] et [illegible] agit ut ff. de cond. [illegible]
[illegible] de [illegible] [illegible] l. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
capellanus [illegible] petitionem non comprehendit [illegible] [illegible] iuris [illegible]
[illegible] non [illegible] quod non comprehendat [illegible] [illegible] [illegible] comprehenduntur [illegible]
rei petitis et [illegible] qui [illegible] [illegible] [illegible] et [illegible] non [illegible] [illegible] est [illegible]
[illegible] [illegible] et [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible]
[illegible] [illegible] ut de [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] comprehendi
[illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] libellus
[illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] libello
non [illegible] [illegible] [illegible] [illegible] libellum intelligi [illegible] [illegible]
[illegible] iuris actoris [illegible] ut ff. [illegible] agi [illegible] l. [illegible] quod libellus [illegible]
[illegible] [illegible] de [illegible] [illegible] ff. de [illegible] l. [illegible] et l. [illegible] [illegible]
[illegible] actor ff. de [illegible] l. [illegible] [illegible] ambiguitate et l. [illegible]
[illegible] ff. de [illegible] [illegible] [illegible] quod [illegible] duo [illegible] [illegible] [illegible] quod [illegible] [illegible]
actoris [illegible] [illegible] quod [illegible] libellus [illegible] [illegible] [illegible] [illegible] non
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] de iure [illegible] [illegible] [illegible]
ff. de [illegible] l. non [illegible] [illegible] [illegible] [illegible] [illegible] ut ff. [illegible]
[illegible] l. de [illegible] qui [illegible] [illegible] [illegible] quod [illegible] libellus [illegible] [illegible]
ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] non [illegible] quod
[illegible] [illegible] [illegible] capellani [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
capellanus [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] non de
[illegible] [illegible] [illegible] ut [illegible] [illegible] non [illegible] [illegible] et de [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] ubi [illegible] [illegible] [illegible] [illegible] [illegible] que [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] ille [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] in [illegible] quod
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] quod [illegible]
[illegible] quod aliquem [illegible] [illegible] [illegible]

Conclusio quod [illegible] ille qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] XOO
[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] ubi sibi [illegible] [illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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XO/

de appella.

et tacite [illegible] appellatur et in [illegible] [illegible] ut de app. [illegible] [illegible]
[illegible] ut cum appellatio [illegible] sit [illegible] [illegible] [illegible] [illegible] ut de [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de appel.
et [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible]
et [illegible] procedat [illegible] de app. [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible]
et in [illegible] [illegible] [illegible] [illegible] [illegible] et in [illegible] de app. et [illegible]
[illegible] appellans [illegible] [illegible] [illegible] [illegible] appellant procedit ad aliquem actum
[illegible] non possit [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] appellantis [illegible] et de [illegible]
[illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible]
[illegible] ut [illegible] [illegible] [illegible] ita procedit [illegible] [illegible] de
[illegible] [illegible] de testi. [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ad actum qui non possit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] non [illegible] et [illegible] [illegible]

Propter [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] non [illegible] [illegible] [illegible] app. et ita [illegible] [illegible] non
[illegible] de appellatio [illegible] [illegible] [illegible] [illegible] [illegible] app. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible]
[illegible] [illegible] [illegible] tacite [illegible] appellans [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] citatio
[illegible] ad [illegible] ad [illegible] [illegible] [illegible] non possit [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] app. [illegible] [illegible]
[illegible] [illegible] [illegible]

xci Nota [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] — de citat. personali
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et qui
[illegible] [illegible] [illegible] testes [illegible] non [illegible] [illegible] [illegible] [illegible]
ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] non [illegible]
testes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] non [illegible]
[illegible] [illegible] [illegible] admittit et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] app. ut [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible]

xcii

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[illegible] et de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

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[illegible] [illegible] [illegible] [illegible] beneficio obtinuit [illegible] [illegible]
in petitorio et in possessorio et [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] obtinuit [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] auditor [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] possessionem [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] possessionem [illegible] [illegible] [illegible]
auditor [illegible] [illegible] [illegible] [illegible] possessionem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] possessor [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] est [illegible] [illegible] [illegible] [illegible] actor est [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

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[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] possessor [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]

Marginal note: [illegible] [illegible] [illegible]

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t inq° qp plurib; ita nec vid² possi° [illegible] cum opinionem de possessione [illegible]
que sit dicta opinio contra d. a. [illegible] de prius l. qq. [illegible]

204 121ª q° qp si opponitur [illegible] p dotibus [illegible] vnguis decem liceat
[illegible] a [illegible] tam laici iudicium q qq [illegible] ut in [illegible]
[illegible] possessio est [illegible] de [illegible] [illegible]
[illegible] cum [illegible] lati [illegible] a
[illegible] dus [illegible] et [illegible] fuit [illegible] auditores
[illegible] potuit [illegible]
[illegible] auditores postea [illegible] de [illegible]
fundamenta [illegible] de [illegible] dudum et [illegible] i. [illegible]
et [illegible] de [illegible] quod [illegible] duos qp opponitur
[illegible] rationes [illegible] non [illegible] opponendi ad
[illegible] ut [illegible] de re iudi
l. admonent [illegible] in [illegible]
de re iudi [illegible] assignare l. [illegible]
[illegible] tacitam [illegible] l. non [illegible] non [illegible]
[illegible] allegatum [illegible] et [illegible] non deberent [illegible]
[illegible] ad opponendum [illegible] potuit
ad allegandum [illegible] quas [illegible] de [illegible]

tercia [illegible] duos [illegible] de [illegible] et [illegible] de [illegible]
auditores [illegible] l. [illegible]
p et [illegible] possedisset [illegible] de quo p [illegible] lati [illegible]
[illegible] ad possessionem [illegible] et [illegible] et
dicebat [illegible] q ita [illegible] p [illegible] dud p.
[illegible] dud [illegible] dud
[illegible] et qp [illegible] allo [illegible] de iudi
et [illegible] allegatum [illegible]
[illegible] possessione [illegible] ab [illegible]
[illegible] dus [illegible] de [illegible] gl° [illegible]
quod dicit [illegible] qp [illegible] agitur
[illegible] allo [illegible] de re iudi [illegible]
qz illa [illegible] dicitur [illegible]
quod [illegible] gl° [illegible] est
[illegible] gl° [illegible] gl° l.
[illegible] ubi dicit qp sicut de [illegible] l. [illegible] qp agitatur
[illegible] libello [illegible] dicitur
qp si [illegible] vendicatur ab aliquo qui [illegible] possidet [illegible]
[illegible] possessor debet [illegible] et [illegible]
[illegible] ad possessionem ut ff. de [illegible] l. bona fide [illegible]
[illegible] ut forte est [illegible] lig [illegible]

[illegible]

q dicta tacita [illegible]

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possidebat quod tunc [illegible] permitteret ad defensionem [illegible] pendentem [illegible]
ut l. [illegible] quod [illegible] et [illegible] Secundo allegat [illegible] aliam glo. [illegible]
[illegible] in dicta glo. magna [illegible] [illegible] [illegible] glo. magna
[illegible] aut [illegible] in [illegible] et ibi [illegible] est [illegible] ubi [illegible] allegat
aliam glo. [illegible] de [illegible] iudi. [illegible] in glo. [illegible] [illegible] quod
dicit [illegible] quod [illegible] lata [illegible] duos alios non pendebat [illegible]
quo ad actionem [illegible] [illegible] [illegible] quo ad possessionem
sed alia glo. [illegible] [illegible] [illegible] qui sibi [illegible] quod [illegible] [illegible]
[illegible] possessione [illegible] [illegible] in aliud [illegible] [illegible]
allegat [illegible] glo. [illegible] [illegible] quod [illegible] super
non sit pendentem quo ad proprietatem ut ibi apparet [illegible]
[illegible] sub [illegible] et [illegible] ibi pendebat quo ad possessionem [illegible]
[illegible] non [illegible] alios non [illegible] quo ad proprietatem [illegible] ad [illegible]
et non ad [illegible] [illegible] possessio [illegible] in possessione pendebat [illegible]
si [illegible] agi et non [illegible] ut apparet Secundo [illegible] glo. [illegible] quod [illegible]
[illegible] dicens in [illegible] super a [illegible] dicens [illegible] quod ad [illegible] loco
et ad [illegible] loco illius [illegible] [illegible] et [illegible] quod [illegible]
[illegible] [illegible] [illegible] et [illegible] dicere [illegible] quod [illegible]
[illegible] [illegible] ut [illegible] et l. [illegible] [illegible] quod [illegible]
potuisset [illegible] [illegible] et [illegible] non [illegible] [illegible] l.
[illegible] aut ut dicit [illegible] in [illegible] l. [illegible] [illegible] [illegible]
[illegible] facultatem agendi [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] quo ad proprietatem pendentem [illegible] et [illegible]
[illegible] [illegible] non potest reprobatum [illegible] non [illegible]
[illegible] [illegible] in [illegible] super [illegible] quod aliquis
quod si sit [illegible] [illegible] [illegible] et [illegible] l. [illegible] quod non [illegible]
[illegible] [illegible] [illegible] quod [illegible] in [illegible] de [illegible] iudi.
in [illegible] magna glo. in [illegible] argumentum [illegible] quod [illegible]
est ibi ad [illegible] est [illegible] quod [illegible] potuisset agere [illegible]
si possideret [illegible] quod non [illegible] [illegible] potuisset
agere ibi [illegible] [illegible] [illegible] quod [illegible] debebat quod
[illegible] [illegible] [illegible] si petrus possedisset [illegible]
de quo agitur [illegible] [illegible] agere potuisset et [illegible]
[illegible] potuisset [illegible] ad [illegible] et [illegible] sibi pendentem
in possessorio [illegible] et [illegible] in [illegible] super [illegible]
[illegible] non apparet in [illegible] est [illegible]
[illegible] in [illegible] super in [illegible] [illegible] aut [illegible] ibi [illegible]
[illegible] quod [illegible] [illegible] quod [illegible] [illegible]
[illegible] ut l. [illegible] de [illegible] iudi. quod [illegible]

nec iudicium sit elusorium sit ho[c]. et ideo quod qualitas ei videtur in
[illegible] si adversarius decepit [illegible] possessor [illegible] non possidet quia quod
ad litis possessoris [illegible] maior [illegible] et iudicium [illegible] reputatur
ut ff. de rei vendicatione l. [illegible] qui se obtulit [illegible] allegabatur [illegible] ista dicit [illegible]
in [illegible] de eo qui mittitur [illegible] et [illegible] domini [illegible]
qui eidem [illegible] et [illegible] de [illegible]
[illegible] qualitas [illegible] ubi [illegible] [illegible]
tenens [illegible] quod ego non [illegible] tamen [illegible] dicis [illegible]
tamen [illegible] iudicatum sit [illegible] iudicium [illegible]
[illegible] quod tenens [illegible] de [illegible] non [illegible]
quo [illegible] et [illegible] iudicium agitur quod
ad possessionem [illegible] qualitas negativa et quo ad possessionem
[illegible] alios [illegible] non [illegible] qui non reputatur
[illegible] tamen [illegible] dicit et [illegible]
[illegible] possessio ad [illegible] quia loquitur [illegible] agitur
tamen [illegible] qui [illegible] possessionem agitur [illegible]
[illegible] pactor [illegible] agitur in [illegible] non [illegible]
[illegible] dominus [illegible]

[illegible] ... ... quod si [illegible] fuit lata [illegible] et [illegible] habet [illegible]
[illegible] qui possessionem [illegible] et si dicat [illegible] non [illegible]
quod [illegible] agi et [illegible] dicit [illegible] quorumdam
[illegible] possessorum [illegible] super quibus [illegible]
[illegible] tales [illegible] mandato [illegible]
[illegible] plenam [illegible]
de pleno [illegible] in possessorio tamen [illegible]
[illegible] possessionis requiritur plena [illegible]
est [illegible] et [illegible] et [illegible] non obstat
[illegible] super rebus [illegible] quia ibi non [illegible] obstat quod [illegible] dicitur
[illegible] et [illegible] quo ad [illegible] sicut [illegible]
tamen [illegible] debeam [illegible] pactorum [illegible] et l. [illegible]
[illegible] ff. de [illegible] quia dicis [illegible] est in [illegible]
debet [illegible] tamen quod [illegible] lata [illegible] et [illegible]
[illegible] est [illegible] ubi agitur de [illegible]
aliud [illegible] est [illegible] non [illegible] litis [illegible]
ff. de [illegible] quaeritur et [illegible] agendo [illegible]
agitur [illegible] non [illegible]
[illegible] possessio [illegible] ff.
de [illegible] qui [illegible] ibi non et [illegible] de [illegible] et [illegible] de
[illegible]

De statu monachorum

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125a glosa quod voluit fieri de quibus li. circa coniuncta clericos secularibus assig-
monachis etc. de licentia abbatis absque dispensatione ipsa quia nec valet
ista glosa abstinens sunt alii alias sed contra primo licet de una via
glo. prox. q. i. c. in summa xxii di. c. a. et cum perpetualiter et c. de clericis pro
q. i. c. ... et c. i. de statu mo. ubi nota in glosa in vera glo. p-
licet et in 2a glo. summa et ibi aliqui contra et pro ea et ibi alii dicunt
quod licet etc. nec in c. quod dei timorem etc. et ibi plene pro eo in
et ibi dicit 2m hostien. qui hic ubi tractat plene et pro se in val. term.
cum illam generaliter et posterior vide que ibi nota in bona glo. et etiam qui
pro eo val. non indistincte quod generaliter addicionem ibi ponit ubi gen.
vide generaliter tenet et ipse hostien. indistincte et non hostien. ibidem et
pro eo in c. quod dei timore super officium prelatorum et idem tenuerunt
hugo et ber. parvulus. 2a glo. iam contra tenet quod dicetur et probat quod
monachus mundo manifestus dei timeat quia monachus et professus
et conveniens sed pro assumptione ad predicta curam resuscitatur et ista re-
suscitatio est miraculosa quo resurgat et actus omnes quod verum est
quibus dispensatione superioris dicit etc. quod ista dispensatio non debet fieri
sine causa utilitatis vel necessitatis secundum hostien. quod de parte quam assumit
in clericum et mortuus non resurgat ... dicit ipse quod videtur mortuus
esse quo ad actus seculares et non obstat quod de lege mors [illegible] [illegible]
et resuscitat contra quod quia dispensat [illegible] [illegible] et l. [illegible]
si ad [illegible] [illegible] [illegible] glo. [illegible] [illegible] 2m [illegible] [illegible]
[illegible] dic. [illegible] [illegible] 2m hostien. [illegible] quod idem quod glosa [illegible] et
quod [illegible] dispensatio [illegible] [illegible] de [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] [illegible] quod dicitur

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126a glosa de contra [illegible] quod non [illegible] quod donator 207
possessionem per donationem [illegible] [illegible] possessionem [illegible]
[illegible] dici donatio [illegible] in fraudem vel contractus [illegible]
donationis esse fictionis [illegible] [illegible] [illegible] appareat aliqua
iudicia [illegible] fraudis ut l. dolum est de dolo illo qui dolo
possidet [illegible] quod donavit [illegible] fraudis et quod voluntas donationis [illegible]
possessionem [illegible] vel forte [illegible] voluntatis [illegible] [illegible]
et id actio [illegible] est [illegible] de dona. [illegible] [illegible] [illegible] voluntas
[illegible] quod fictiones et simulationes [illegible] [illegible] [illegible] apparent
[illegible] [illegible] [illegible] quia [illegible] [illegible] et [illegible] possessionem debent
ut [illegible] [illegible] vel simul [illegible] et [illegible] et a qua [illegible] [illegible]
[illegible] ubi [illegible] [illegible] ut [illegible] [illegible] [illegible]

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Ideo et lex alienationum non possit dici in fraudem creditorum que
non sit factum est de quibus ff. l. si non potest dici donatio causa mortis
nisi obstet aliquid periculum mortis ut ff. de dona. causa mortis l. i. cum l.
si vero qualiter solvere ad l. secundum supradictum quia non preiudicat ut ipso
sol. ete dicit Bar. de papo serito in quadam consilio suo sit solvit de quo
ult. tenendum possessor sub eat ibi ca. nota ad quod concludendum creditorem
quam creditor allegabat pro quam ibi vendetio presumitur simulata
vendi adhuc ea que perfecit dicit Bar. ff. de dona. l. si quis contractu sibi non
pro ad presumendum donationem stare non fraudem quod quod aliquid semper intervenit
ad de tam tenet presumptionem adulto quia inter quem fraudulentum
et contractum fictum est dicere statim de contractibus fictis in fraudem qui
vel eo ne agitur ut bene valeat et permaneat sed agitur ut
aliud sed sub eius colore decipiat ut ff. de his que in fraudem creditorum
alius sit contra hoc aut aliter quod sunt quod tale opponit seu potest
pro fraudem tamen sunt est de vero dolo l. ad conferatis de pro dato
tempus sua l. si creditoribus stat quod voluntas ea tenetur i. cum quod non
tempus non relinquitur ut dico est de hoc que in fraudem per l. ut dicit alii
non relinquitur et contractus dicitur de pluribus quia ad fraudem
nisi fraudem contractus vitii de plurali quia ad fraudem
plura tenet et ibi text. vertitur rubrica i. cum contractus non habet
relinquitur si deus fraudem fuit contractus sed potest dici contractum fraudem
dolosum ut in dicta l. et dicit quod in fraudem quod et ibi non et de hoc
quia in fraudem eius contractum et ita loquitur dicit quod supra in eodem simulatis
contractibus de quod simulatur contractus fictum sit et non sit ita quod simulatur
ut est plus valere quod agitur contractum ff. de contrahenda empt. l. emida et de regulis
iuris l. in imaginaria est de ista preiudicii l. et qui sub ymagine dicit
plus ac l. emptor de fi. quod alii ut sibi l. quod et l. cum proponas
et hec causa quia ipse sit contractus quam eius ipso et voluntate fuit dicto
vero contractum fictum pro dicto iuris dicitur fraudem fraudem non allegat
conveniens per ammeat quod tuo obstante iuris pacto et l. si quis ff. de
adeptis et etiam hic fraudem quod tribus modis potest dici contractus fictus
ymaginarius et simulatus licet non eadem contractus celebris fuit
simulatione et veritate actu agitur quod alius celebratur de loquitur
textus titulis plus valere quod agitur et ff. de contrahenda empt. l. emptio fiduc
et tenet iure ut non impediatur acquisitio ei cui acquiritur fraudem
si quod quia vel agebatur potest acquiri ut dicit l. empti fides et si
corporis l. si quis et non de emida aff et l. magis alii te dico
non de contractibus simulatis que licet non agitur quod sit fiat tamen agitur
per ita dispositio contractus fiat ut lex ... ab ignoto

ff de ina testo et ipsius seruitutis ut est ut debent hec opposita per petitum
agi ut deduci. si abrogato etiam et sine dolo constituto facerent
pro solutis solutus qui commisit ab proditur i quia agitur aut quod
contractus nullus sit et de hoc loquitur l. secundum eundem et l. quinque
anna obl. et ff de verborum oblig. l. simulatio et de acq. here. ac l. emptor
ut faceret quam quotiens ipsis extinguendum sunt ut debito fiscalia de
premissis dicis concludentur sequitur est quod in simulacris sunt tria ipsos
allegantis agendi vel opponendi contractu ut questionem esse fictum
et non de sequentis propter fictionis ut est audiendus quia adoptaris
sic reddatur modus sic ff de adv. l. s. i. et dicit bene l. pomponius
dixerit sic sumendum est quia loquitur in agente idem reperient ff
de flu. l. i. quod ibi de legatis l. nam contra sic propterea sunt quia
non est expone plene per denigrare ff l. in actu est et ibi in depere
tha l. si maritum et ibi in regula duplex verbis opponitur et in non
depretet tha l. si mens oppositum contra dupla c. tum Ignacia facit
ipsius quod non sequitur in regula de corp. c. prima l. in sex de prorum vero concludi
oppositum quod tale dicto est tutus ut contractu esse fictum non sufficit quod
pronunc propter fictionis nisi declaretur eo quod quia collige valeat probandum
tamen fictionis vero que ex ipso actu de per se non ipso facto ut concludet de
iure antedo addo fit id quod exsurget indicium simulacro que concludi
valeat ipso facto sequitur sola sed quia deinceps est esse dicuntur prevalent
l. adprobationem de dupla ut dicat non dubium fictionis si donaris nude
donatario contineret possessio p. l. quod quomodo tanta et de dona et l. quedam
ff de vi bon. et l. quamvis l. qui pignus et l. [illegible] ff de acq. poss. quibus
id valere oppositum quod sequitur si alia in presumendi fictionem allegare
ut quia si fecisset in tamen ita hoc presumerem illam clausulam quia dixit
donans se constitutum nomine donatarii possessionem promittit referendi et fictionis
fiendo de contra ipso nisi sequitur traditio corporali ut plenarie sed et de
suffra l. i. et collegimus d. illum dicam idem de clausulis innumeris dolo et
fictionis ut ff de dona l. dolo et dominium tanto concludi oppositum
quod non id de donatio fictiva ut referendi quod dominus heres ut maior
pars est sed nisi subsit aliqua in referendi presumendi et plenarie non ob.
l. animo que licentia ff de l. qui referendi an nisi dici in glossa textu
quod recipit petere mentaliter donatur si plene appellatur tunc tibi respondet
magnum propter de summa

de pone

Item queritur quod si clericus cum laicis intentaret dominum sacrilegii denunciat
et cum admisit quod generis ad eam ipso ad quelibet intelligere licentiam
sine absolutoria perpendi plene non fit ad impediendum propter ut
processum producere annullandum opponat tamen generis quod non possit

in eo casu [illegible] admitti [illegible] quod non ad impediendum [illegible] per l. [illegible]
indebitati C. ad l. Iuliam de adulteriis ubi dicit [illegible] videtur quod sententia
absolutoria potest fieri in crimine adulterii [illegible] et [illegible]
[illegible]
[illegible] absolutoria [illegible] admitti per l. [illegible]
[illegible]
[illegible] absolutoria [illegible] et l. absolutoria [illegible]
[illegible]
adulterii ad [illegible] quod non posset ab
[illegible]
et de [illegible] in l. [illegible] indebitati C. ad l. Iuliam
de adulteriis et [illegible]
[illegible]
[illegible]
[illegible] absolutoria [illegible]
[illegible]
[illegible]
[illegible]
[illegible] dilatoria et [illegible]
[illegible]
[illegible]
[illegible] glo. et doctores [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] absolutoria [illegible]
[illegible]
[illegible] et [illegible] absolutoria et [illegible]
C. ad l. Iuliam de adulteriis et [illegible]

C. ad [illegible]

absque l. bene ff. si quis [illegible] de iis abstineri l. i. nec aut loquitur
de pena delicti [illegible] agnoscit et [illegible] si nec per ... [illegible]
aut casus in quibus dampnatur absque ... per hoc ... quia ad [illegible]
et pena [illegible] intelligi [illegible] quo pena corporis [illegible] infligenda [illegible]
[illegible] sidetur quod tunc [illegible] cessaret ... contra opinionem [illegible]
sunt ... de arca [illegible] de [illegible] et ... de [illegible]
[illegible] potest vide[ri] quod si pena ... [illegible] esset [illegible]
[illegible] glo[sa] et doctorum ut s. dixi

128 glo. quod licet confessio extraiudicialis regulariter probet de quo dicit
ut s. q. 663 ... [illegible] et delicti in quibus confessio extraiudicialis
delictum plene non probat quo ad effectum [illegible] pene ordinarie [illegible]
infligende probat? [illegible] ... [illegible] ubi [illegible]
confessus dominum adulterium commisisse non deponitur sed [illegible]
et ibi non [illegible] et [illegible] sed sibi [illegible]
[illegible] ut ibi [illegible] et [illegible] glo. quod [illegible] confessio ff. ad l.
Iuliam de adult. l. capite [illegible] quod confessio extraiudicialis non plene
probat nisi quo ad effectum [illegible] [illegible] quam glo. [illegible]
[illegible] et sic forte esse [illegible] delicti clam [illegible]
ut l. si t. [illegible] non [illegible] est quod sunt ita confessus et [illegible] quod non ita commisisset
et quod confessus fuit non quod ita fecit sed forte [illegible] diffamandi aliquem
[illegible] aut forte [illegible] iactandi et gloriandi ut [illegible] quod sit
ut forte [illegible] et [illegible] voluntarie [illegible]
[illegible] sed tamen quod talis sit [illegible] diffamans [illegible]
[illegible] glorificans de [illegible] non [illegible] [illegible]
diffamans iactatione seu glorificatione [illegible] delicti
[illegible] penam que [illegible] probata [illegible] confessionem et [illegible]
[illegible] infligendam ut probat [illegible] quod sit [illegible]

129 quod ad [illegible] que [illegible] [illegible] qui non [illegible]
[illegible] iudex [illegible] [illegible] qualitatibus et circum-
stantiis que [illegible] [illegible] estimationem [illegible]
arbitrio [illegible] estimationem [illegible] [illegible]
ut illa [illegible] sed ut [illegible] et non ult. [illegible]
[illegible] estimationem declarat et ita intelligitur ff. de [illegible] l. [illegible]
que [illegible] et l. [illegible] que [illegible] et [illegible] taxationem [illegible]
[illegible] quantitatis taxata [illegible] declarat [illegible] estima-
tionem et [illegible] iudicium [illegible] et [illegible] ar. l. [illegible]
et ita intelligitur l. [illegible] ff. de [illegible] et ita intelligitur
[illegible] ut [illegible] qua [illegible] agatur [illegible] l. cornelia

[margin:] 6 c. [illegible]

[margin:] de [illegible] confess.

[margin:] [illegible]

[margin:] 209

[margin:] 209

[margin:] 488

[margin:] 210

xii

in hoc casu taxatio sententia licet glo. aliud faciat per dictam l. sin autem. Sed si
queratur an hoc casu [illegible] quam [illegible] dictam l. sin autem [illegible] glo. [illegible] replicet
licet non ita declaret [illegible] [illegible] quod si [illegible] agendo [illegible] augeris [illegible]
de qualitatibus [illegible] [illegible] sive [illegible] inte[illegible] et ita intelligo
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] taxa
tionis et [illegible] [illegible] declarationis [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] super eo [illegible] [illegible] [illegible] [illegible] an licet [illegible] licet possit taxatio judicialis
[illegible] [illegible] [illegible] [illegible] [illegible] ubi [illegible] [illegible] [illegible] ff. de [illegible] [illegible] l. [illegible]
[illegible] [illegible] [illegible] et l. [illegible] [illegible] [illegible] [illegible] hoc [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] taxationem [illegible] [illegible] [illegible] [illegible] [illegible] non
[illegible] taxatio [illegible] [illegible] [illegible] [illegible] possit et l. de judiciis l. [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de judiciis super dictam l. [illegible] et [illegible] [illegible] hodie [illegible] incipit
post [illegible] Sed [illegible] [illegible] quale [illegible] [illegible] hodierna quia
post [illegible] taxationem [illegible] et [illegible] [illegible] [illegible] taxatio [illegible] [illegible] non
[illegible] [illegible] [illegible] [illegible] [illegible] declarationis [illegible] [illegible]
[illegible] Sed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] licet et ita loquuntur aut
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
post [illegible] et [illegible] non [illegible] [illegible] [illegible] [illegible] aut [illegible] [illegible] [illegible]
[illegible] si hoc est infra taxationem [illegible] [illegible] [illegible] [illegible] si
non [illegible] [illegible] intelligeret [illegible] [illegible] super eo [illegible] [illegible] taxatio [illegible] judice
[illegible] [illegible] [illegible] possit [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ff. de re judicata
Sed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ista [illegible] taxationem
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
infra [illegible] [illegible] [illegible] [illegible] [illegible] sit faciendum [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] possit taxari
et [illegible] [illegible] sit ff. [illegible] [illegible] l. [illegible] [illegible]

210 Item [illegible] mensis octobris [illegible] super precedenti [illegible] appellans

de [illegible]

[illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] licet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] apud [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] aliqua [illegible] [illegible] [illegible]
[illegible] ad [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Nicolaus
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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generaliter ad [illegible] app[ellationi]s et [illegible] ut alibi [illegible] et alibi [illegible]
[illegible] et at [illegible] et [illegible]
[illegible] competit [illegible]
app[ellatio]n[em] [illegible] et [illegible] et [illegible]
[illegible]
citatio [illegible]
[illegible] et [illegible] citatio [illegible] app[ellati]o
[illegible] app[ellati]o [illegible]
[illegible] et [illegible]
[illegible]
[illegible] app[ellati]o [illegible]
[illegible] citatio ad [illegible]
[illegible] citatio [illegible]
[illegible] app[ellati]o [illegible]
[illegible] app[ellati]o[n]e[m] [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] citatio [illegible]
[illegible] et [illegible] app[ellati]o [illegible]
actor est [illegible] actor et [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]
[illegible] et [illegible] et [illegible]
[illegible] et [illegible] citatio
[illegible]
[illegible] ad [illegible] et ita [illegible]
alia citatio [illegible] et [illegible] et [illegible]
[illegible] et [illegible] ita [illegible]
[illegible] ad [illegible]
[illegible] app[ellati]o [illegible] app[ellati]o [illegible]
[illegible]
[illegible] et [illegible]
[illegible]

absque [illegible] praecedere ut [illegible] ff. [illegible] l. si constante [illegible]
non [illegible] de [illegible] [illegible] [illegible] [illegible] apostolis [illegible] [illegible] [illegible]
non [illegible] [illegible] [illegible] sit [illegible] [illegible] facit quia [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] tamen et c. [illegible] l. in [illegible] [illegible] et [illegible]
et [illegible] [illegible] [illegible] de [illegible] [illegible] ff. de [illegible] et [illegible] [illegible] legem
[illegible] [illegible] Tertia vero quia [illegible] [illegible] aliud [illegible] [illegible] non
est [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] actus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] vel l. si [illegible] ff. de [illegible]
[illegible] c. de [illegible] l. non [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] [illegible] vel [illegible] [illegible] et [illegible] l. [illegible] ff. de [illegible] [illegible] aliud
[illegible] c. statutum [illegible] [illegible] [illegible] et [illegible] [illegible] non
[illegible] [illegible] [illegible] [illegible] [illegible] fiat. Cum quia [illegible] [illegible]
addit [illegible] de [illegible] [illegible] [illegible] facti [illegible] [illegible] non [illegible] [illegible]
[illegible] non [illegible] quia non est [illegible] quod [illegible] [illegible] addit [illegible] [illegible]
si non [illegible] ut [illegible] l. [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] et [illegible] et [illegible] [illegible] [illegible] l. non [illegible] [illegible] in si. [illegible] quod est
[illegible] si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] lapsa [illegible] [illegible] tempus
ad [illegible] et [illegible] dies [illegible] ad [illegible] et statim [illegible] [illegible]
[illegible] [illegible] [illegible] valet [illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] dies [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] ut de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quia [illegible] [illegible]
[illegible] [illegible] si [illegible] [illegible] [illegible] tempus [illegible] [illegible] [illegible] tempus
[illegible] [illegible] [illegible] [illegible] [illegible] dari [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] quia aliud tempus [illegible] est [illegible] [illegible]
ut l. [illegible] ff. de [illegible] et l. [illegible] [illegible] [illegible] [illegible] [illegible] intelligitur
[illegible] [illegible] [illegible] [illegible] si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
vel [illegible] [illegible] [illegible] [illegible] ff. de l. [illegible] l. [illegible] [illegible] [illegible] [illegible]
est quod [illegible] [illegible] si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] dicit [illegible] non [illegible] ita loquuntur [illegible] [illegible] de [illegible] de quo
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] non [illegible] [illegible]
quia [illegible] [illegible] [illegible] aliqua quod [illegible] [illegible] [illegible] quia qui [illegible] dicit
de alio et [illegible] denegat et [illegible] l. si [illegible] et l. [illegible] de [illegible] [illegible]
[illegible] quod [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] ad tempus ubi
[illegible] vel aliud [illegible] [illegible] [illegible] quod si [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] iam lapsa [illegible] vel [illegible] [illegible] [illegible] aliud tempus [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] c. statutum [illegible]
[illegible] si [illegible] non [illegible] [illegible] quia non est [illegible] [illegible] [illegible] [illegible]

collacione de [illegible] collacionis de [illegible] [illegible] oportet [illegible] [illegible]
[illegible] de collegio et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
inqualibet loco per decem dierum [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
Preterea quod [illegible] [illegible] [illegible] [illegible] et aliud quod [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible]
vel [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] sufficit lapsus decem [illegible] [illegible] [illegible] vel
[illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] et quod [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] accessit et [illegible] [illegible] de [illegible] quod [illegible] [illegible] [illegible]
lapsu [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] lapsu [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] lapsu decem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] quos ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
ac videtur quod [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad singulos actus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad singulos
actus [illegible] et [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible] quod
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] vel [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] ad
singulos [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] plene et totaliter [illegible] [illegible] [illegible] ad [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ad [illegible] quos ad [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
ad [illegible] plene [illegible] [illegible] [illegible] quos [illegible] [illegible] [illegible] [illegible]
[illegible] decem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
est modus [illegible] [illegible] plena [illegible] vel [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
Preterea [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] plus amplius [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible]
et magis et ad magis et [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible]

[illegible]

pt appitorem indirecte appellc ad eg dt pl diffa c qui ad l plaumet in la

de oppidis regn dico qd dom suus collig. i. n. ecclesiis beneb de in dig

pret adj hunc p oppoint i illa glo prdictamen regn dico quod qu ecc qua

queribit in l. no dic tenent p d l. pd hy alias et ita no glo. ju an d

ii quas c apos leg j t tamen et fayrol dub de ista leg q quod

ad etc ancipiendum ad dictum sibi aliud tpus q quod ad l. no habet

obfirmasse de pp attendi dupplo duplat et alt q eogland alter

ptis no tenent pars ista licet aliud ofpire l quod ad alia ca

vz quod ad processe pr pnabit et hic sufficiat 211

De appellat. 430

Item 1a. gl a. qe s iste ea cancellarie que in anglia et audiens pater

aperit in Roma auditorum Rome sed pendente et sunt compararet licet

libere illos abaudire pna appellant dans optes venientales et prefigit

Delegatio pp tem et dicit ad appcum pmendi et insita illos p dicit appellans curripit

ista pp ad aliud ad eandem pungentem perpetrandi quessitam signat

sup appellant pdcta tales tenet ancipias est pponendo suffi et de plena

opponat licet dum f et vindictis cum p. dicit sunt ista q istud

tpus ad promotorem appellatis opponendi pd adhuc dicte litteracionem pponens

ius suis debeat pprimi qui sit prioritatis aliis ppetentes ipa no

pt si p aliter coram pnitore de ture et debita pro cum ad ter peremptis

no pt vel aliud cfr dispos et hic no extra te de app. fine licet de ste

c f. s quod ps qui alt adhuc t eu c in dici p ur pende et de ele statum

f Item 2a gl a. q tantum appellans ein ad pprium spes et tantum offitium quod

et adquirendi aliquam solum qua dotur q absolutemente beneficia intersperse 212

491 i sustitia ad q ille tantum dicitur possit designationem recipe et alia

multos ad eand benef pro ipsius licet alia habilitans ut in ead prima

applica de ppriis fructibus gaudere et de hic no benef ppriamentis tamen

pendit si fuit aliqua alia beneficia quod alit vacaverit ut pote ppriva

gratiam specialis sue xxpm aliam offi ne potest licet aliqu cum plura

ymo q hic p dicta est iudicis qui tenendo tempora magna restitutionem

ut op de pri c j de tu Concedatur q no e proter pps a fa tu no dicit

ct in libro ut t s amator est de pri hymnos alt ma e tam adolf quod

ptus a pus dicta dedimus ut n. q. i. quiat tu si q no recepit ri

stitutionem ut dili et s ab appt ayst d offi eodem dicit ty ille no oportebit

beneficia vacaverit 2m dicit q ac rectam ptas data legatur de late in

quadrt qui no e prius fundabt ita prudens colludit ppi ppalt req

motis de offi l. e q tuplarum cu dolo ita ut ppali dicta ut t dud

de pri le in ipsum ii ptas dicta quiuo licet ppsuadet de ulteris

ut ele si de pri pro ty includit ppat ad quadr vacavit 2m dicit

213

Item [illegible] [illegible] in [illegible] de [illegible] in leg. [illegible] [illegible] generalis [illegible]
quia [illegible] [illegible] [illegible] [illegible] in aliis eadem [illegible] [illegible]
[illegible] generalis [illegible] [illegible] qui sunt [illegible] [illegible]
[illegible] ff. de off. [illegible] [illegible] [illegible] l. i. [illegible] ff. de [illegible]
ff. l. de [illegible] l. generali [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] legato [illegible] [illegible] [illegible]
[illegible] et beneficia resignata [illegible] [illegible] [illegible] beneficia
resignata. Et si [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible]
[illegible] [illegible] non amplificat [illegible] [illegible] fortificat [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ff. [illegible] [illegible] [illegible] [illegible] et in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] inhabilitatis [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] leg. [illegible] [illegible] inhabilitat et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] et de [illegible] [illegible] inhabilitat
et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] inhabilitat et [illegible] [illegible] [illegible] [illegible] non valet [illegible] [illegible]
[illegible] [illegible] [illegible]

Item [illegible] [illegible] quod multe difficultates [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] in [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]

Tertium dubium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] dubium [illegible] aliqui [illegible] [illegible] [illegible] [illegible] [illegible]

Margin: 213

Margin: [illegible] [illegible] [illegible] [illegible] [illegible]

Margin: 462

[illegible] [illegible] deputatis ad [illegible] [illegible] pauperum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in talibus [illegible] procuratores [illegible]
[illegible] [illegible] [illegible] videtur [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] procuratorum et
procuratores [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] et [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] loquens [illegible] [illegible] [illegible] [illegible] ubi [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] loquitur [illegible] committendi
aliqua negotia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dat procuratores [illegible] [illegible]
et si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] in quibus [illegible] tibi [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible].

Circa [illegible] dubium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] est [illegible] 219
[illegible] sibi [illegible] procuratores eligere et eos [illegible] procuratores [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ad [illegible] procuratores et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] dat [illegible] procuratores
[illegible] [illegible] [illegible] procuratores et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] tibi qui [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] procurator [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] tibi qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

in actu et si facit totum quod facit est alterius mandatum ex quo [illegible] princeps
generalis executoris [illegible] mandat ptatis sue ipsius literis et hanc formam
ad eum ferre [illegible] ipse executor assignatur quod [illegible] de iure
et in [illegible] de iure [illegible] et [illegible] de [illegible] et in [illegible] [illegible] [illegible] est in libro
[illegible] mandatum ipsa ptatis ptatis cum [illegible] ptatis [illegible] ipse executor
[illegible] per l. quia absentes ff. de acquirenda possessione et facit ad hoc quod [illegible] [illegible]
[illegible] et [illegible] ibi [illegible] quas literas [illegible] est sic in glossa de
[illegible] et ad [illegible] glossa magna et [illegible] et [illegible] et maxime ex quo princeps
[illegible] executoris ad formam [illegible] in literis [illegible] [illegible]
executor non potest [illegible] alias [illegible] literarum [illegible]
ut [illegible] de iure et [illegible] et in [illegible] [illegible] et [illegible] et [illegible]
de [illegible] et [illegible] apud [illegible] [illegible] videtur quod ea
[illegible] [illegible] ad [illegible] literas quas de [illegible] [illegible] habeat [illegible]
[illegible] [illegible] [illegible] standum est [illegible] verba hec non habent
de iure et [illegible] de [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] de [illegible] et [illegible] [illegible] [illegible] [illegible] facit
Nam quod [illegible] sit de iure [illegible] canonistis ut in [illegible] tenet quod
iurisdictio [illegible] ptatis delegatis non acquiritur nisi [illegible] et [illegible] ut
[illegible] [illegible] quod [illegible] ut ibi non et [illegible] de officio dele
[illegible] [illegible] [illegible] volentes
et [illegible] et facit de hoc [illegible] [illegible] [illegible] [illegible]
ut [illegible] de officio dele et [illegible] [illegible] [illegible] si non [illegible] non
[illegible] [illegible] et [illegible] non posset [illegible] non sit de iure
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ff. de [illegible] et hoc l. [illegible] [illegible]
[illegible] [illegible] non [illegible] quod [illegible] [illegible] ut [illegible]
[illegible] quia ad hoc [illegible] [illegible] [illegible] de officio
dele et [illegible] et [illegible] [illegible] videtur [illegible] [illegible] de [illegible]
[illegible] et [illegible] et [illegible] et alii [illegible] [illegible]
de beneficio est [illegible] de [illegible] et [illegible] [illegible] [illegible] et facit et [illegible] [illegible]
et [illegible] non potest ut ptatis executores [illegible] [illegible] qui
[illegible] ptatem [illegible] et [illegible] de [illegible] et [illegible] beneficia que [illegible]
[illegible] ibi [illegible] facit ad hoc [illegible] et videtur [illegible] in l. [illegible] ff.
de iure [illegible] et [illegible] quia non de officio dele et [illegible] [illegible]
[illegible] [illegible] facit quod executor qui [illegible] non [illegible] illud
quod sibi ad [illegible] mandatum nisi [illegible] recepit literas sue ptatis [illegible]
[illegible] et [illegible] aliquid [illegible] voluit facere [illegible] [illegible] executores
qui sunt [illegible] [illegible] ad [illegible] [illegible] qui [illegible]

et ideo quod hic permittit[ur] [illegible] argumentum [illegible] nota [illegible] officio [illegible]

[illegible]

[illegible]

possit procedere [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ibi qui mandato apostolico [illegible] possit procedere [illegible]

[illegible]

et ita c. si gratie sed effectum sortiatur etc. dum quod si non ubi quod quod ipse dicit
quorum gratie gratiam sit effectus quantum expectatio illi prefertur cum ipsum
potest suas litteras partes tenens alterius gratiis providendi et ita sunt de tractatu
ressignata ante pro dubitatione clausulis cum executor non dicit predictas
litteras possit sortiri processus et ea quam non ubi quod supra in verbo glo
magistri libri quod addo ac cedens et cetera de prebenda c. ij. iij. ij. parte ubi est plenius
in principio et c. si clericus ubi et expressio de offi. dele. c. cum alius
ubi et de resti spo. c. audita et patet facit efficaciter facit quia hic respicit
ordinarie licet c. li. de cons. spe. c. et c. sicut ubi alibi reperitur quod adhuc
ut supra prata declaratur executoris et notificationem et de statu de providendo ausfol.
ordinarius providendi gratis et prelatus recipiat literas executoris et non
notificationem c. aliquando non sufficit quod ad hoc exanimo quod executor noti
ficet et constituendo eis literas. alias sed tenentur sibi credere de
offi. dele. ca. in quibus de quo preterea c. et si pluribus de pre. supra vi. non li
ij quod fit expressionibus qui sunt executores ut plenius dominus petrus et
si quando dicitur cum dei executores mentionentur expressius expedi
sed potest solventes non literas apparet cum et quia deinde remissio necesse
esse comune quod ei amenit apparet cum hoc textus de ista materia loquentes hac
et dicit quod in aliquo apparet cum textus ipsius quia affirmative apposita debeat
presentium intelligi et textus ipsius quia affirmative apposita debeat
partes haec esse debeat cum hoc non litteras exanimo sic quos haec iudicare esse de
in iudicium potest et inter dictas constitutiones et facit et procedendum non in quo
ubi. c. quando ipsos et proprium ubi c. de ep. et glo. quod eiusmodi iudicare esse clausula
de iudici dicens sed haec et quod de resti spo. affirmans inter non eligendi
tenet determinationem aliquam de plenius adhuc clausula debeat in statutum gratie ubi
cum quoniam literas delegatum possit presentes preterea ut alias quod quod ipsos sine
delegatus potest dicit quia alias sibi sunt presentes ipse et per eum in
supra statutum exprimi quod in sed si quis reciperet potest dicit potest plene
processus ut per eius sunt quorum hoc esse nisi quod iudex delegatus an reciperet
literas sine gratis non potest ubi supra sibi demandans et quod non potest recipere
probationes quod iudex quia quod sunt suspectum quod de expresse in eius ratione
expectatio et de pre. c. v. de ubi hoc iudex delegatus et prouidendi expectandi
iudicis dicens quod quod sunt ad eius hoc facit quod ipse ad non de cons.
pre. quod sicut cum expensis ubi tenet quod ipsi principes personaliter et executores
de potest debet quod ea iudex quod posito quod non iudicare possit esse iudex recipiat
literas sine gratis cum an ipsi debeat esse certus de pro statu quod non et
iudex recipiat literas sine gratis pro alio si sufficiat cum ubi notatur per eundem

de pre(bendis) li. vi. istorum eandem opinionem clare tenet hostiensis sed contra videtur
tenere Jo(hannes) et contra tenet abbas [illegible] de legi(bus) et dicit [illegible] tue et videtur
dicit card(inalis) [illegible] quoniam [illegible] Gregorius decimus [illegible]
tenens hanc contrariam [illegible] quam tenuit hostiensis et alii vult quod [illegible]
cum [illegible] ad [illegible] et adtet debitum in alle [illegible] et [illegible]
[illegible] utilitat [illegible] eandem tenent clare [illegible] de competenti
iudicis [illegible] quod [illegible] ad [illegible] alle [illegible]
[illegible] opinionis [illegible] quia ipse [illegible] ubi [illegible]
[illegible] et ubi [illegible] post [illegible] possessio
ad aliquem [illegible] requisita ad [illegible] vel in libro sex(to) [illegible]
recip(it)ur integre ut [illegible] possit esse [illegible]
[illegible] posset [illegible] ad [illegible] sufficere
[illegible] tenet hanc [illegible] de off(icio) dele(gati) [illegible] abbas [illegible] alle
[illegible] glo(ssa) eandem opinionem tenet [illegible] qui et [illegible]
[illegible] de pre(bendis) li. vi. [illegible] hanc opinionem [illegible]
[illegible] glo(ssa) [illegible] ubi glo(ssa) remittit ad [illegible]
de ele(ctione) [illegible] glo(ssa) [illegible] et [illegible]
que [illegible] de ele(ctione) [illegible] in cle(mentinis) et [illegible] clare loquitur in [illegible]
[illegible] que fuit [illegible] et [illegible] dicit quod
[illegible] hec opinio est tenenda in alle [illegible]
de [illegible] audivi [illegible] quod [illegible]
[illegible] disputavit [illegible] et [illegible] repu[illegible]
hac disputatione sed [illegible] tenet et [illegible]
de leg(ato) clare [illegible] de off(icio) dele(gati) [illegible] et [illegible] alle
[illegible] de [illegible] iudices [illegible]
opinio que [illegible] glosatores [illegible] et [illegible]
et [illegible] ad [illegible] quod [illegible]
[illegible] temporis date [illegible]
[illegible] opinionem [illegible] legata videtur
[illegible] et dico quod in [illegible]
[illegible] efficacia que ad hec
ut possit [illegible] aliqui [illegible]
[illegible] quod attendatur temporis date ut [illegible] alle est [illegible]
de [illegible] date [illegible]
[illegible] quos [illegible] iudices [illegible] attendatur temporis [illegible]
[illegible] alle [illegible] et [illegible] in [illegible]
[illegible] alle [illegible] et in [illegible] statuto de [illegible] ibi et [illegible]
[illegible] et [illegible] non [illegible]

[illegible]

217 [illegible]

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[illegible] a et b applant et causam [illegible] a et b [illegible]
[illegible] ea que ibi nota [illegible] alle [illegible]
[illegible] dubium [illegible] producendi [illegible]
[illegible] ad [illegible] (Et [illegible]
[illegible] et [illegible] posset et
[illegible] ad [illegible] et [illegible] producendi [illegible]
sit [illegible] et [illegible] sit admittendi [illegible]
[illegible] aliqui [illegible] aliqui [illegible]
[illegible]
[illegible] et [illegible]
[illegible] obiectus dandorum [illegible]
[illegible] et [illegible] totale [illegible]
[illegible] ad ponendum et articulandum [illegible] et [illegible]
fuit [illegible] et [illegible]
[illegible] ad ponendum et articulandum ad [illegible] et ad producendum
[illegible] et [illegible] et [illegible] sit [illegible]
[illegible] aliqua et [illegible]
[illegible] et [illegible]
[illegible] ibi [illegible] et [illegible] et [illegible]
[illegible]

Item fuit dubitatum [illegible] ad [illegible] substi- 816
[illegible] substitutus [illegible] et [illegible]
substituto et [illegible] substituendo [illegible] ad [illegible]
[illegible] acta [illegible] et [illegible] et [illegible]
[illegible] sit [illegible] et [illegible] et [illegible]
et [illegible] et [illegible]
[illegible] ratificationem [illegible]
[illegible] decretum
[illegible] et [illegible]
[illegible] posset ratificare [illegible] et [illegible] gesta et acta [illegible]
[illegible] ita et [illegible]
[illegible] substitutus [illegible]
[illegible] et [illegible]
[illegible] substituendi [illegible]
[illegible] et [illegible] substituendi
et [illegible]
[illegible]

[illegible]
[illegible] appellat [illegible] appellans [illegible]
[illegible] et [illegible]
alligat [illegible]
[illegible] et [illegible] alii [illegible]
[illegible] ratificatio [illegible] mandato [illegible]
[illegible] ad tollendum [illegible] dubium
[illegible]
[illegible] ratificat [illegible]
[illegible] dubitatio

[illegible] sunt [illegible] ad [illegible]
[illegible] quae non [illegible] et [illegible]
[illegible] ad [illegible]
[illegible] ad [illegible] non [illegible] et
[illegible]

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Item dubitatur [illegible] restitutionem [illegible]
restitutionem ad [illegible] lata quae [illegible]
et [illegible] aliquibus quod non [illegible] significationem [illegible] ubi
[illegible] restitutionem in integrum [illegible] non ad
[illegible] et [illegible]
[illegible] quae [illegible]
[illegible] et [illegible]
[illegible] quae [illegible] et [illegible]
[illegible]
[illegible] et [illegible]
restitutionem [illegible] est aliquibus [illegible] quae non [illegible]
[illegible] quae est [illegible]
[illegible] et [illegible]
[illegible] et [illegible] et non [illegible]
[illegible] quae [illegible]
[illegible] in integrum [illegible] et [illegible]
[illegible]
[illegible]
[illegible] et [illegible] quae [illegible]
[illegible] et non [illegible] quae
non [illegible] aliquos [illegible]
[illegible] non [illegible]
[illegible]
[illegible] et [illegible]
[illegible] restitutionem in integrum [illegible] et [illegible] quae [illegible]
[illegible] non [illegible]
[illegible] quae [illegible]
[illegible] non [illegible]
[illegible] quod non [illegible]
restitutionem [illegible] quod non [illegible]
[illegible]

de quo quereret per ecclesiam ad appellationem. Si vero fuerit [illegible] temporalia [illegible] dubitatur.

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Item fuit dubitatum licet [illegible] alicuius ecclesie [illegible] electa [illegible] administrationem bonorum temporalium [illegible] ecclesie et [illegible] capituli et [illegible] administrationes et [illegible] principaliter [illegible] dignitas [illegible] ecclesie que est dignitas [illegible] et [illegible] electus [illegible] tenuit sigillum capituli [illegible] et [illegible] ad [illegible] et liber [illegible] et [illegible] [illegible] capituli [illegible] et [illegible] et [illegible] principaliter dignitatis [illegible] in capitulo et [illegible] et alios qui [illegible] administrationem [illegible] et [illegible] ecclesie [illegible] et [illegible] in [illegible] archiepiscopi [illegible] que [illegible] administrationem [illegible] et [illegible] et [illegible] et [illegible] [illegible] in illa ecclesia [illegible] et [illegible] et [illegible] et ad illud tenebat sigillum [illegible] et [illegible] capituli [illegible] et [illegible] ad capitulum [illegible] et [illegible] administrationem temporalium [illegible] dignitatis [illegible] et [illegible] administrationem temporalium et [illegible] et [illegible] [illegible] pastor et prelatus [illegible] [illegible] dignitatem que [illegible]

capitulum et capellis [illegible] et capiend[illegible] [illegible] [illegible] [illegible] [illegible] de qua [illegible]
[illegible] [illegible] [illegible] in [illegible] denarios et ob. et de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] archi[illegible] [illegible] de [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] de [illegible] [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] dicit [illegible] [illegible] [illegible] [illegible] esse [illegible] collegium
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] collegium [illegible] [illegible] prelatum
eligat [illegible] [illegible] [illegible] [illegible] [illegible] diligent[illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible] [illegible] dicebam [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] esset ad [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] esse [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] Nam [illegible] [illegible] [illegible] [illegible]
[illegible] aliquis [illegible] [illegible] qui [illegible] [illegible] de [illegible] [illegible] [illegible]
ut [illegible] [illegible] [illegible] aliquid [illegible] ut [illegible] [illegible] [illegible] de
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] in [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] qui [illegible] [illegible] et [illegible] [illegible] de [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] et [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 457
[illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] [illegible] ut [illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] aliquis [illegible] [illegible] in [illegible] et [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] in [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]

dignitatibus seu beneficiis in quibus dicit hic textus nisi ulla [illegible]
[illegible] et hoc apparet [illegible] dicit textus dicit ulla [illegible]
dignitas vel officia et reputantur [illegible] seu beneficia vel [illegible] tribuantur
[illegible] totum capitulum [illegible] seu beneficiis [illegible]
[illegible] ad collectionem in quibus [illegible]
[illegible] hic textus [illegible] et hoc [illegible]
[illegible]
[illegible]
et [illegible]
[illegible] facit [illegible]
ad eligendum ad dignitates seu [illegible]
[illegible] eligant ubi [illegible] debet [illegible]
[illegible] ad [illegible] et [illegible]
[illegible]
[illegible]
[illegible] et ambo [illegible] et nulla [illegible]
[illegible]
[illegible]
[illegible] et ubi [illegible] celebrata [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible] sicut
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et ubi [illegible]
[illegible]
et [illegible] pastor [illegible]
[illegible] administrationem [illegible]
[illegible] et capitulum [illegible]
[illegible] et ambo debent [illegible] capitulum [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]
ambo [illegible]
[illegible] pastoris et [illegible]
[illegible]

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[illegible]

i ꝑtibus duob; facit ecc ad ꝑmiss i c· 1· de lata c ut naȝ ꝑtiarib;
de ꝑti lebz ꝑ q;ambz ambz appaz dtanq ꝑpy fecit et de liquo ꝑ
gtracs gnali sua opaco· ligni sed quia dictu ꝑ allent· igruditia
dubitatur vtꝝ oppt audiedy et si sit quatz pbal ꝑat sua igruditia
ꝑpiqua altio dubio ecc ambo ꝑdicti doc ꝑcordat q vgilat ꝑbiter
ꝑsudtu igruditia all ꝑ quo adducit dus baldus l sed ouis ꝑ abolere
ff de re amili ubi quis ꝑ ꝑgit de dolo ꝑsup ꝑ ꝑpiatu· et ue d l si
tm ꝑ hyoy ff actu ꝑꝑ et induxit autos cay ux c ꝑpsonsus hꝑꝑ
y de y c si be deꝑy ꝑ· c ꝑpostolalis de ꝑtꝑ ou indutut de clo et c
ut certa c inuli e te le vy quis ꝑsup ꝑ auna all dus petrus dicto
ecc atandum ꝑrato igruditia alle ꝑbat ꝑsudtu ꝑ quo all y glo
ordinary ꝑhna e itay q humanus ꝑy q y alia ay dtat c ou itna
que sua at ꝑ y sed de ꝑiatu ꝑ quo ecc all dus l· de dposuit sed l si
tutor et de ꝑpsit l ꝑ et si quibz ꝑ ꝑsurbe· dicit ecc duob; alys
mods ꝑbai igruditiam quos modos ao glo i ꝑgla ꝑpedu lx y
ꝑ ad hanc ꝑbacoy igrudy· dixit dus baldus pueblonis ꝑdicto
ꝑ foc admittendy stany que d aliquid pub'z· notu igrudy no
ꝑbatum ꝑ ꝑbatd ꝑy ou ut no i le puls ꝑgnacrat et c ꝑsidu
le vy all· gnams teyphoe vend ꝑ ꝑua ꝑ allegad huuo igruditiam
allegat pua turpitudine· 1· deliꝑsup· suam lata culpam vad no ꝑ
audiat ad ꝑpost de lati ꝑtrundiny aliud delictu ou debuit ꝑue
ꝑto q irud fuit igrunte ac no d l q ꝑff si dtud ꝑ· ut pt quis
igruditiam allatꝑ ꝑ ꝑfecto tany publice ꝑ no d singles ꝑgilatiny
i turnady ꝑ apud balgo· ꝑ q ꝑsentu ꝑ ꝑnimiff ad auis corz quos
tangit negotiu ut ta· deposita ꝑ· xvy q 1· q dicit de cli ꝑ aui
ꝑlud ꝑꝑtud ꝑiatu no balz ꝑ nisi sibi deꝑtatur a ꝑdict' ctiy c
fi de puls ꝑus et de ꝑba· sicut ꝑ ꝑdy no ꝑ de ꝑiri ꝑdtiu
iy deꝑy ꝑbatis et coy quo d lestiaus ꝑsup· ꝑ ꝑfactꝑ gltatis
sue notorietas fua sicut oppꝑff lo et no d que adꝑps l 1· di
aut quis ꝑpsset ita distans ꝑ ꝑdicta adeuny vꝑ sentit ꝑotand
no potuisset ꝑ incuss ꝑ tud by ꝑ cogitat· adolo et lata culpa et
ff de ecc aborde fact· l si· et lo et no idem c ou itna hꝑt ty ab
ꝑy no ꝑsumatur· i clerꝑ que tud· ny sens lucꝑtoys resideny ut
le et no ꝑsumo ey c fi de ꝑ ꝑue aut d ꝑss· et ad oud textus ey
ꝑd que dicit igruditiam ꝑud ꝑ ꝑbaꝑ· lata· ubi igrudy pt ꝑsso
veꝑsitas quo d que ꝑ ꝑsonu ꝑꝑbabilibz argumentis ut colectum

facit ad exemplum c(apitu)li [illegible] ubi [illegible] et [illegible]
li [illegible] libri [illegible] et [illegible] ff [illegible] vi [illegible]
[illegible] et ff [illegible] libri l. i [illegible] et [illegible] glo [illegible]
ff de [illegible] et [illegible] ff de [illegible] l. [illegible] et l. [illegible]
[illegible] fecit [illegible] non sufficit [illegible]
non [illegible] et [illegible] ad [illegible]
[illegible] doctor [illegible] et [illegible]
[illegible] de [illegible] et [illegible]
[illegible] et [illegible] et de [illegible]
[illegible] doctor [illegible] et [illegible]
[illegible] et [illegible]
[illegible] et glo [illegible] regula [illegible] all [illegible]
[illegible] ubi [illegible]
[illegible] supra all [illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] admittendi [illegible] supra all [illegible]
[illegible] doctor [illegible]
[illegible] ad [illegible]
[illegible] et non [illegible] et [illegible]
[illegible] fuit [illegible]
et [illegible] et [illegible] non admittere [illegible]
[illegible] et [illegible]
[illegible] non [illegible] dicebat sibi [illegible]
[illegible] et [illegible] admittendi [illegible] all [illegible] non [illegible]
[illegible] et [illegible]
[illegible] non sufficit [illegible] non [illegible]
[illegible] et [illegible] et [illegible] ad l. [illegible]
[illegible] ad l. i. ff de [illegible] et ad l. si [illegible]
[illegible] et [illegible] all [illegible]
[illegible]
[illegible]
[illegible] et [illegible] supra all.

420 Item si [illegible] apostolicus [illegible]
[illegible] apostolicis [illegible] et [illegible] alteri [illegible]
[illegible] alteri [illegible]
et [illegible] fuit [illegible]

[illegible] collatis
[illegible] apostolicis [illegible]
all [illegible] apostolicis
[illegible] non [illegible]
[illegible] et [illegible]
[illegible]
si [illegible]
[illegible]

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etiam reservationibus petitis et super hiis sollempniter allegatum [illegible] habent [illegible]
legati [illegible] non dubitandum fuit [illegible] [illegible] supplicationum [illegible] auctoritate apostolica
[illegible] beneficiorum et [illegible] sed tunc clare est [illegible]
predicti legati non valuisse [illegible] et [illegible] valent et tenent [illegible] de [illegible]
[illegible] [illegible] quod predictus [illegible] non [illegible] beneficiatus et [illegible]
[illegible] legatus tenuit fuit allegatum primo [illegible] beneficium [illegible] ad aliud
[illegible] non [illegible] et [illegible] de [illegible] ad [illegible]
eligi [illegible] de [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] est quod aliquid [illegible] quod de [illegible] et [illegible]
[illegible] et [illegible] et [illegible] [illegible]
[illegible] et si [illegible] [illegible] [illegible]
[illegible] et [illegible] et [illegible] aliquid [illegible]
quod [illegible] non [illegible] [illegible] [illegible] et [illegible]
[illegible] de [illegible] et [illegible] non [illegible] et [illegible]
et [illegible] debitum [illegible] et non [illegible]
et [illegible] [illegible] [illegible] [illegible]
[illegible] beneficium [illegible] beneficiatus [illegible] non [illegible] aliquid
tale [illegible] quod [illegible] [illegible] [illegible] de
[illegible] [illegible] [illegible]
[illegible] legato [illegible] [illegible]
[illegible] beneficia [illegible] ab [illegible]
[illegible] et [illegible] non [illegible] acquisitis non [illegible]
[illegible] et [illegible] quod de [illegible] [illegible] non [illegible] complemen-
[illegible] quod [illegible] et [illegible] ad [illegible] et [illegible]
[illegible] [illegible] [illegible] et si [illegible]
quod aliud quod [illegible] et non [illegible] realiter et actualiter acquisitionem
[illegible] non reddit [illegible] quod [illegible] et aliud non acquirit
[illegible] [illegible] de [illegible] beneficium quod [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
beneficiatus possit [illegible] [illegible]
non [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] de beneficiorum et [illegible]
[illegible] quod [illegible] beneficiatus [illegible]
[illegible] non [illegible] et non [illegible] de [illegible] [illegible]
[illegible] non [illegible] et [illegible] [illegible]
et [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] est [illegible] [illegible]

deberet [illegible] aliquis sub pretextu casuali [illegible] [illegible] [illegible] [illegible] [illegible] admittit
ut si [illegible] [illegible] [illegible] de [illegible] et demum [illegible] facit [illegible] non [illegible] [illegible]
(istis beneficiatus et acceptans beneficium sunt [illegible] ut in regula benefi[illegible] de [illegible]
[illegible] et [illegible] [illegible] [illegible] et [illegible] non [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] de [illegible] ad [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] duo beneficia [illegible] sunt [illegible] [illegible] [illegible]
de [illegible] de multa de [illegible] [illegible] [illegible] [illegible] beneficium [illegible] [illegible] [illegible]
[illegible] ad aliud [illegible] (Not [illegible] [illegible] [illegible] sunt [illegible] [illegible] [illegible]
acceptacionis [illegible] [illegible] ut [illegible] [illegible] [illegible] et non [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] beneficium et [illegible] acceptans ad aliud [illegible]
[illegible] non [illegible] duo beneficia [illegible] aliquis [illegible] [illegible] [illegible]
benefi[illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] benefi[illegible] [illegible] [illegible]
[illegible] aliud benefi[illegible] sit [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et non [illegible] [illegible] et
[illegible] non [illegible] [illegible] acceptans non [illegible] benefi[illegible] [illegible] non [illegible] [illegible]
[illegible] et [illegible] et [illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] non sunt [illegible] benefi[illegible] aliud [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] benefi[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] et [illegible] [illegible] non [illegible] beneficiatus et [illegible]
[illegible] [illegible] [illegible] benefi[illegible] non [illegible] benefi[illegible] et [illegible]
[illegible] non obstat [illegible] [illegible] et [illegible] beneficium [illegible] et [illegible] non et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et non et non [illegible] de [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de [illegible] [illegible] [illegible] [illegible] et [illegible] acceptans [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] sit [illegible] [illegible] [illegible] non [illegible] beneficiatus ut beneficium
[illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] et non [illegible]
[illegible] et [illegible] sunt [illegible] de benefi[illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de benefi[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] ut [illegible] et [illegible] [illegible] beneficium [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] ut et [illegible]
et [illegible] et non [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] beneficium [illegible] [illegible] et [illegible]
non [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] beneficium [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

in gl(os)a nova ubi ep(iscop)us ... tenet et viceversa ... canonici ... de
benef. in eccl(esi)a ... obtinere esse benef. in eccl(es)ia ... et ... statuta de canonicis de
ele ... et ... ista ... beneficium eccl(esi)e ... [illegible]
nove ... et ... de ... et ... de testa ... et ... significat
[illegible] ... aliis ... aut ... statuta
[illegible] ... significati ... statuta ... glo(sa) ... et
canonicis ... eccl(es)ia cathedralis ... et ... significari
statuta ... canonica sit benef. in eccl(esi)a ... [illegible]
... sufficit ... et ... c. vi ...
... canonicus ... beneficium in eccl(esi)a ... [illegible]
... eccl(es)ia ... canonica ... et regula
beneficiis ... et ... canonicorum ...
de regulis ... et ... canonicorum ...
[illegible]
[illegible] ... canonicus ... obtinet ...
[illegible]
et ... et ... [illegible]
... canonicus ... beneficium eccl(es)ie ... canonica sit benef. in eccl(es)ia ... prebenda
... et dignitas ... et de ... statuta ...
[illegible] ... dignitas ...
... cathedralis ... delegatus
... delegatus ...
dignitatis ... canonicus ... [illegible]
[illegible]
canonici ... et ... canonica ... et ... statuta
[illegible]
[illegible]
et ... et ... et ...
[illegible]
... canonicus eccl(es)ie cathedralis ...
[illegible]
... eccl(es)iam cathedralem ... [illegible]
[illegible]
... canonica sit benef. ... [illegible]
... distributiones cotidianas ... et ...
[illegible] ... et ...
[illegible]
[illegible]
[illegible]

[illegible]

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[illegible]

p(ro) suspe(n)s(ione) op(or)tebit ut cu(m) [illegible] [illegible] [illegible] [illegible] et si [illegible] [illegible] [illegible]
[illegible] petitam [illegible] [illegible] [illegible] [illegible] et app(e)ll(ati)o [illegible] suspendebatur
[illegible] [illegible] [illegible] [illegible] [illegible] q(uod) q(ui)a [illegible] fuit [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] legatum [illegible] al(ite)r [illegible] q(uod) possit [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ad app(e)ll(ati)o(n)em [illegible] debet [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de app(e)ll(ationibus) [illegible] et [illegible] [illegible] l. [illegible] quib(us) [illegible] ob
sta(n)t(ibus) fuit [illegible] attemptatorum [illegible] et processum [illegible] [illegible]
ad [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
et expe(n)s(is) ad que(m) [illegible] [illegible] [illegible] et [illegible] ut [illegible] et [illegible]
de [illegible] [illegible] ut litigantes [illegible] [illegible] de [illegible] [illegible] frequens [illegible] [illegible]
et in [illegible] [illegible] finale [illegible]

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422 Item q(uod) quidam [illegible] votum de [illegible] [illegible] fuit [illegible] [illegible]
[illegible] [illegible] [illegible] clericus [illegible] [illegible] contraxit [illegible] [illegible] [illegible]
cu(m) quadam vidua [illegible] [illegible] [illegible] carnali copula [illegible] quo [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] clericus [illegible] [illegible] [illegible] [illegible] religionem et [illegible]
fuit ad omnes sacros ordines [illegible] [illegible] alia [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] clericus esset [illegible] [illegible] [illegible] bigamus
[illegible] [illegible] [illegible] [illegible] [illegible] esset bigamus [illegible] [illegible]
[illegible] [illegible] [illegible] ad sacros ordines [illegible] [illegible] dispensationem
et [illegible] dispensationem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] clericus cu(m) vidua [illegible] [illegible] bigamus [illegible] [illegible] [illegible]
bigamus [illegible] qui cu(m) vidua vel corrupta [illegible] [illegible] et [illegible]
de [illegible] et de bigamus [illegible] et [illegible] vel qui [illegible] [illegible] [illegible]
[illegible] duas uxores [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] cu(m) vidua vel corrupta vel cu(m) 2a uxore [illegible] [illegible] [illegible]
[illegible] [illegible] contraxit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] bigamus reputantur [illegible]
[illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
cu(m) [illegible] [illegible] [illegible] de bigamis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] ubi [illegible] [illegible] [illegible] de bigamia [illegible]
de quo [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
reputabat [illegible] clericus de [illegible] cu(m) vidua [illegible] [illegible] bigamus
de quo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ubi de vidua

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ex dictis tamen patet vz quod cum tali capitulum bigamus vel ordinatus bigamus

videtur contra doctrinam apostoli dispensare cum bigamo apud ... per apostolum ...

cum apostolus ... intelligens ... apostolus et quod ad sacros ordines

quod ad minores ... ordines ... alias vel ... quod cum ... bigamus dispensare

... et ... et ... praedicationis ... et ... placuit ... aut ...

cum bigamus ad sacros ordines ... alios ordines dispensat ...

ad alios ... communicatur ... et ... cum dispensans ...

in ... capitulum ... de bigamis ... in ...

... remittit ad ... in ... capitulum ... bigamus ...

[illegible]

[illegible]

... de bigamis ... et ... de ...

223 Item si impetrans apostolicus acceptet beneficium vacaturum [illegible] dic [illegible] ut vacaturum [illegible] faciendo [illegible] decedit et post [illegible] vacatur [illegible] beneficium [illegible] ad [illegible] applicet [illegible] et [illegible] ad [illegible] acceptant [illegible] beneficium [illegible] vacationem accept[illegible] [illegible] et [illegible] [illegible] [illegible] dubitatum [illegible] acceptatio [illegible] vacatione et [illegible] [illegible] ad acceptandum [illegible] [illegible] acceptatio [illegible] [illegible] ubi non esset [illegible] valet [illegible] acceptatio [illegible] [illegible] [illegible] capitulo [illegible] [illegible] vacatione [illegible] [illegible] acceptant [illegible] acceptatio [illegible] et magis dubitabile [illegible] vacatione beneficium [illegible] [illegible] acceptatio [illegible] et [illegible] beneficium [illegible] impetranti [illegible] acceptat et [illegible] [illegible] capit [illegible] [illegible] acceptans [illegible] acceptatio [illegible] acceptandum [illegible] acceptatione [illegible] [illegible] acceptatione [illegible] acceptatio [illegible] et ad [illegible] acceptatio [illegible]

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Item licet [illegible] fiet [illegible] et [illegible] valeat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] capitulo [illegible]

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438

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Item fuit dubitatum utrum [illegible]

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Item fuit dubitatum utrum [illegible]

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Item fuit dubitatum [illegible] causa de qua loquitur [illegible] restitutionis de [illegible] loci qui petuntur [illegible] quibus fuit [illegible] restitutionem adversus [illegible] absolutorias possessorias [illegible] et multa alia [illegible] petitur et [illegible] petens [illegible] petitur et [illegible] restitutionem [illegible] restitutionis [illegible] possessoris [illegible] et [illegible] possidet et sibi [illegible] et [illegible] possidet [illegible] restitutionem adversus [illegible] absolutoriam possessoris [illegible] possessionem [illegible] restitutionem [illegible] possessorem [illegible] restitutionem [illegible] possessionis [illegible]

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Item fuit dubitatum [illegible] ad [illegible] dubio [illegible] tenentur [illegible] ad [illegible] petit

quod propter eius culpam iudicum tali processui debuit non sic iudices generaliter [illegible]
[illegible] qui non [illegible] de officio [illegible] et ideo [illegible] non [illegible]
[illegible] absolutio ad cautelam sit [illegible] propter [illegible] [illegible] et [illegible]
[illegible] et [illegible] et [illegible] de [illegible] de testibus et [illegible] de [illegible]
et ad appellationem de appellatione ad audiendum [illegible] generaliter iudices [illegible]
[illegible] [illegible] et alias [illegible] et [illegible]
[illegible] et [illegible] quod [illegible] [illegible] non [illegible]
[illegible] et non [illegible] [illegible]
[illegible] sit [illegible] et [illegible] sic [illegible] iudices [illegible]
[illegible] sic [illegible] et [illegible]
[illegible] et [illegible] de [illegible] et [illegible] iste
[illegible] et [illegible] iudicum et [illegible]
[illegible] et [illegible] sic [illegible]
[illegible] quod [illegible] et [illegible] non [illegible]
[illegible] de [illegible] et [illegible]
[illegible] et non [illegible] de [illegible] et [illegible]
de [illegible] et sic [illegible] et [illegible]

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Item fuit dubitatum [illegible] publicationem [illegible] [illegible] obstans [illegible]
[illegible] testes [illegible] [illegible] [illegible] [illegible]
[illegible] de morte et [illegible] et loco mortis [illegible]
[illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] et dedit [illegible] de morte [illegible] quod [illegible]
et loco fuit [illegible] et [illegible] sibi
quod non [illegible] [illegible] in [illegible]
et [illegible] [illegible] non [illegible] alios testes
[illegible] quod [illegible] et quod [illegible]
[illegible] et [illegible] fuit [illegible]
[illegible] et [illegible] quod [illegible]
[illegible] et [illegible] et [illegible]
testes [illegible] quod [illegible] [illegible]
[illegible] non obstante et fuit [illegible] de testibus
[illegible] et [illegible] testes [illegible]
[illegible] de morte ad aliud et ad aliud [illegible] ad [illegible]
[illegible] et sit [illegible]
ad [illegible] et [illegible] quod [illegible]
ad [illegible] et [illegible] et [illegible] et [illegible]
de [illegible] et [illegible] testes [illegible] [illegible]
[illegible] non [illegible] et sit [illegible] quod [illegible]

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dicto iure sed possidere et spoliatum esse de off. dele. c. consultationibus et prelatis titulo sui predecessoris graciam suam seu personarum adversarii sui possessioni [illegible] [illegible] ad [illegible] et c. ... ipso et [illegible] ... possessionem et [illegible] quia ... [illegible] aliquid [illegible] quod tamen [illegible] ... possessionem [illegible] ... [illegible] ... est [illegible] ... ad [illegible] sive [illegible] petitorium et sic ... in nullo obstat ... [illegible] agitur de [illegible] ... et c. de testi. et sic sunt obtenta

429 Item sunt dubitatum ... spoliatus ... agit ... vel petendo ... restitui ... sed ... [illegible] ... possessionem ... plene restitutus ... [illegible] et ... aliquid ... obstat agenti petitorio ... agenti ... petit ... possessionem ... [illegible] ... Nam ... qui ad agendum ... et c. ... [illegible] ... obstat agenti ... [illegible] ... spoliatus agenti ... [illegible] ... spoliatus ... [illegible] ... spoliavit ... spoliatus ... [illegible] ... [illegible] ... [illegible] ... spoliatus ... [illegible] ... spoliatus ... [illegible] ... obstat ... spoliavit ... [illegible]

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Item si agenti possessorio super alio beneficio quod dicit se spoliatum opponatur per possessorem [illegible] 230

[illegible] quod eo tempore quo possessor illius beneficii intravit aliud [illegible] obtentum se dicit

beneficium occupasset et possessor [illegible] adhuc [illegible] illud beneficium tenuit

et possedit, fuit dubitatum utrum obstaret agenti predicta exceptio et fuit [illegible]

[illegible] exceptio [illegible] et [illegible] et quod [illegible] esset bona [illegible]

et admissibilis ad probandum [illegible] et [illegible] ad [illegible].

[illegible] Nam agens possessorio [illegible] dicit se possedisse et spoliatum

esse et [illegible] et [illegible] velit et potest

[illegible] spoliatum possessorium [illegible] audietur [illegible]

[illegible] possessorio [illegible] modum ut [illegible] adversus [illegible]

[illegible] et [illegible] possessio et [illegible] dictum [illegible]

[illegible] possessio [illegible] ut [illegible] materia predicta

[illegible] et [illegible] requiritur titulus [illegible] coloratus

[illegible] possessio [illegible] et [illegible] possessor

et [illegible] titulus [illegible] a iure [illegible]

[illegible] a iure [illegible] intrusit et [illegible]

[illegible] audiendum [illegible] et [illegible] de plano

[illegible] constat [illegible] et [illegible] significasset

[illegible] et [illegible] velit [illegible] titulum [illegible]

[illegible] non obstat [illegible] non [illegible] quod agens

[illegible] Item [illegible] et [illegible]

[illegible] et aliud [illegible] beneficium [illegible] et [illegible]

[illegible] spoliatum [illegible] Tamen

[illegible] concludendum [illegible] spoliatum [illegible] de [illegible]

spoliatum [illegible] omnia restituendum et [illegible] de titulo [illegible] possessor et

agendum et disputandum [illegible]

[illegible] materia predicta fuit admissa ad probandum in [illegible] et [illegible]

Item si agens [illegible] super [illegible] beneficio [illegible] et [illegible] 231

[illegible] et ad [illegible] competebat et [illegible]

[illegible] surrogatum fuit dubitatum [illegible]

[illegible] surrogatus [illegible] et [illegible] ad [illegible]

[illegible] saltem [illegible]

faciendum sibi et [illegible] aliquibus [illegible] quod [illegible] surrogatum

est [illegible] et possessor [illegible]

de surrogatione impugnare potuit [illegible] et ad [illegible] sibi [illegible]

et [illegible] sibi [illegible] velit et potest [illegible] impugnare

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230

[illegible]

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232

[illegible]

de elec. et de c. abbas de app. li. vi. q. non sufficit [illegible] appellare pendente [illegible]
xxx dies statutis a iure ad petendum et ad dandum apostolos nisi ille [illegible]
in debita forma q. petit recipi [illegible] et [illegible] sit [illegible] non obstante
fuit [illegible] et [illegible] [illegible] [illegible] et fuit alle. per [illegible]
distinctio [illegible] et [illegible] [illegible] [illegible] de elec. ubi distinguitur
si aliquis sit institutus per collationem sine confirmatione et tunc est [illegible]
[illegible] [illegible] [illegible] [illegible] opponens et sic loquitur [illegible] de elect. sine [illegible]
[illegible] [illegible] [illegible] [illegible] sit institutus nulla confirmatione electi
confirmatione vel collatione [illegible] cum in illa [illegible] collatio [illegible]
[illegible] [illegible] [illegible] eligendi confirmandi vel conferendi [illegible]
ubi [illegible] vel [illegible] alle. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
q. [illegible] [illegible] est [illegible] [illegible] de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et non [illegible] [illegible] et c. cum [illegible] de elec. [illegible]
eligendo vel conferendo confirmat [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
sufficit [illegible] [illegible] et [illegible] de [illegible] et c. [illegible] de [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
vel [illegible] [illegible] [illegible] de [illegible] de [illegible] ubi [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et sic [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
c. i. de off. [illegible] li. vi. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] aliquando [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] est [illegible]
[illegible] [illegible] [illegible] [illegible] fuit alle. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] collatio fuit [illegible] [illegible] alle. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] collegiale [illegible]
[illegible] [illegible] collatio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] loquitur [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] et non loquitur [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] collatio [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible]
vel [illegible] [illegible] [illegible] ad collationem [illegible] [illegible] [illegible] [illegible] [illegible] collegiatis 433

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et de illo facit sibi provideri per suum executorem valeat huiusmodi acceptatio et ipsius
dividendo facit in decanatu [illegible] sit dignitas et ponit [illegible] dignitatis [illegible] non valet
[illegible] [illegible] de prebenda et [illegible] c. ullus [illegible] et videtur [illegible]
ponit in [illegible] dignitatis de iure [illegible] requiritur quod decanatus [illegible] esset in
dignitatibus constitutis [illegible] [illegible] de [illegible] [illegible] et facit [illegible]
decanus [illegible] de decanatu [illegible] [illegible] qui videtur minor [illegible]
decanatus [illegible] [illegible] de [illegible] [illegible] non sit dignitas de iure
[illegible] et [illegible] [illegible] de prebenda et [illegible] [illegible]
[illegible] [illegible] decanatus [illegible] beneficia [illegible] non [illegible]
ut [illegible] [illegible] [illegible] [illegible] [illegible] tamen si [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] decanus
[illegible] [illegible] [illegible] [illegible] [illegible] Nam ille qui decano
[illegible] succedit [illegible] [illegible] [illegible] [illegible] [illegible] de iure [illegible]
[illegible] decanus succedit [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ut [illegible] succedit [illegible] [illegible] et in [illegible] de
[illegible] quod in [illegible] [illegible] in nomine dignitatis [illegible] decanatus [illegible] et
non [illegible] [illegible] capitulum [illegible] [illegible] esse [illegible]
sunt [illegible] [illegible] [illegible] decanus [illegible] qui dignitatem
[illegible] [illegible] [illegible] non [illegible] et [illegible] et
[illegible] de [illegible] et non [illegible] de [illegible] et [illegible] in
[illegible] [illegible] [illegible] in [illegible] dignitatis esset
dignitas [illegible] [illegible] de [illegible] et [illegible] de [illegible]
[illegible] et [illegible] capitulo [illegible] [illegible] [illegible]
[illegible] non [illegible] [illegible] [illegible] et [illegible] decanus [illegible] et [illegible] de [illegible] qui
ad [illegible] [illegible] [illegible] decanus et [illegible] qui [illegible]
[illegible] [illegible] [illegible] dignitas [illegible] et debitus [illegible]
[illegible] non [illegible] [illegible] [illegible] [illegible] debet esse dignitatis constituti
ut in [illegible] statutum de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non
sunt [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] decanatu
[illegible] [illegible] [illegible] [illegible] [illegible] collegiatis [illegible] et sic sunt [illegible]
[illegible] [illegible]

438 Item si possessor [illegible] [illegible] reus et possessor [illegible] [illegible] petitorium et
faciat [illegible] actori quod non recedat de [illegible] [illegible] [illegible] [illegible]
[illegible] actor [illegible] [illegible] fuit dubitatum [illegible] [illegible] [illegible] an [illegible]
[illegible] et videbatur quod [illegible] possessorium [illegible] [illegible] [illegible]
[illegible] [illegible] ita quod [illegible] actoris ad id appellare non posset et sic videtur
quod huiusmodi [illegible] ad [illegible] datos [illegible] [illegible] non [illegible] [illegible] qui
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et possessio
[illegible] [illegible] possessio [illegible] valet [illegible] [illegible] facit ad [illegible] [illegible] [illegible] possessio et
[illegible] [illegible] [illegible] adhuc posset et debet appellare et aliquos [illegible]
[illegible] [illegible] [illegible] possessio sibi [illegible] [illegible] [illegible] [illegible]

capit ecclesie debentur [illegible] super [illegible] columna [illegible] et sic [illegible] in constitutionibus [illegible]

[illegible] primo quod ad [illegible] [illegible] admissibilibus [illegible] est [illegible] et [illegible] constituentibus et non

admissibilibus [illegible] est videndum [illegible] contingat et [illegible] sit

[illegible] et primum [illegible] admissibilibus [illegible] [illegible] non [illegible] fuit [illegible]

et [illegible] [illegible] duos et hoc [illegible] [illegible]

[illegible] ecclesie [illegible] [illegible] et augustini de [illegible] et [illegible]

[illegible] ecclesie [illegible] [illegible] [illegible] [illegible] ad [illegible] sit

[illegible] [illegible] possessionem [illegible] velit agendi [illegible] [illegible]

[illegible] ad [illegible] [illegible] ad [illegible]

[illegible] et [illegible] non [illegible] [illegible] sibi [illegible] quod [illegible]

[illegible] ecclesie [illegible] [illegible] [illegible]

[illegible] ad [illegible] et ecclesie [illegible] [illegible] et non

admissibilibus et [illegible] admittendis [illegible] [illegible]

ut [illegible] non [illegible] et hoc [illegible] [illegible] [illegible] et [illegible]

[illegible] in [illegible] [illegible] [illegible]

sibi [illegible] [illegible] ecclesie [illegible] [illegible] fuit [illegible] et [illegible]

[illegible] [illegible] [illegible] [illegible]

in [illegible] [illegible] non [illegible] [illegible]

et [illegible] [illegible] [illegible] sibi [illegible] et [illegible]

[illegible] [illegible] [illegible] et [illegible] in [illegible]

in et [illegible] est [illegible] [illegible] [illegible]

[illegible] fuit [illegible] [illegible] [illegible]

ad [illegible] ad agendum et defendendum in omnibus et singulis causis

[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

ad [illegible] [illegible] et [illegible] [illegible] [illegible]

in [illegible] [illegible] ad [illegible] et non ad [illegible] [illegible]

[illegible] [illegible] et [illegible] [illegible] [illegible] est

[illegible] [illegible] ad [illegible] [illegible] fuerat [illegible]

[illegible] aut [illegible] [illegible] [illegible] [illegible]

[illegible] ecclesie [illegible] [illegible] [illegible] fuit ad [illegible]

[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]

[illegible] [illegible] ad [illegible] et [illegible] ad [illegible]

[illegible] [illegible] [illegible] ad aliquos actus [illegible]

et tandem [illegible] ad [illegible] [illegible] hoc [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] et [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

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intersit restringeret quod si non fecerat imputet sibi [illegible]
[illegible] et lex non [illegible] c. i. de [illegible] et [illegible]

236 Item si convenitur possessor [illegible] qui [illegible] et [illegible]
[illegible]
[illegible] cum possessione [illegible]
[illegible] possessionis [illegible] posset agere petitorio et possessorio [illegible]
[illegible] possessor
[illegible] esset [illegible] quod [illegible] possessori
[illegible]
[illegible] in possessione quod [illegible]
[illegible]
[illegible]
possessionem esset [illegible]
[illegible] possessorium et [illegible]
[illegible] c. i. et [illegible]
[illegible]
[illegible] c. i. de [illegible]
[illegible] possessorio [illegible]
[illegible] possit
agere de [illegible]
[illegible] c. i. de [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] agere petitorio et possessorio
[illegible]
[illegible]
[illegible] c. i. de [illegible]
[illegible]
c. i. et [illegible]
[illegible] agere [illegible]
[illegible]
[illegible] agere petitorio et possessorio
[illegible]
[illegible] petitorio quod possessorio
[illegible]
[illegible]

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237 Item si [illegible]

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potestatem recipiendi resignationem dicti beneficii, potestatem ad collationem suam et conferendi
illud dicto proponenti sicut deliberatum de duobus in litteris valeat huiusmodi commissio dicto
nuncio si valeat posset et deberet plenarie prosequi et illud [illegible] commissionis fecit et
facit dubium quod prohibitum iure deliberatum de officio legati li. vi ubi prohibetur episcopis
legatis eos delegare aut committere ut ipsi eorum posset committere suis dare potestatem
recipiendi resignationem et conferendi beneficia eis proponens [illegible] nuncius legatum
suam commiserit et apparentur dictum committens huiusmodi resignationem et collationem
tamen huiusmodi prohibitionis facta tamen per huiusmodi commissionem dantur licentia ad recipiendum
beneficia conferendi etc. consilia latam de quo supra. multa quae iam videntur forte
locum habere in episcopo seu quolibet alio ordinario in speculo sibi decreta de officio li. c. in
c. li. preterea ubi est casus iste [illegible] de consistorio de cuius corpore sunt
temporalia [illegible] in episcopo quod delegato in causis predictis quod in
genere [illegible] de officio vicarii de [illegible] statutum nisi in li. [illegible] apparet
concessio quod episcopus [illegible] collationem beneficiorum ad [illegible] generale.
quod in [illegible] esse [illegible] et non [illegible] constituti et c. si de [illegible]
prebendis. multa enim licet [illegible] quae non licet esse [illegible] de [illegible]
[illegible] et [illegible] obstat c. deliberationem quo ad
generalem commissionem sive potestatem conferendi beneficia prohibita quod illud procedit
ubi episcopus alteri quam suo officiali [illegible] dant [illegible] p. d. [illegible]
[illegible] ibidem quod committit eis [illegible] in c. statutum [illegible] glo. de [illegible]
li. vi quae licet fecerit ad [illegible] et [illegible] sit generalis
commissio tamen est specialis sive quod eis vicarius generalis non possit conferre bene-
ficia [illegible] de officio vicarii li. vi et supposito quod valeret et sic posset talis commissio
eis esse generalis vicarius [illegible] generalem administrationem bonorum et rerum et
[illegible] statutum [illegible] de officio [illegible] esset [illegible]
habet administrationem rerum ac bonorum temporalium de elec. [illegible] li. vi obstat ob
c. [illegible] de app. et c. de [illegible] li. vi [illegible] eundem [illegible]
episcopus [illegible] fatetur quo ad [illegible] et in [illegible] quae [illegible]
in aliis [illegible] obstat c. [illegible] de institutionibus ubi [illegible]
[illegible] de iure [illegible] ad beneficium [illegible] huiusmodi [illegible]
est [illegible] et non [illegible]
non [illegible] et non [illegible] et [illegible]
in li. vi fatetur eis et [illegible] quod eis ipse episcopus posset committere suo vicario
generali potestatem recipiendi resignationem et admittendi [illegible] posset eidem vicario
dare potestatem conferendi idem beneficium sic resignatum [illegible]
[illegible] de app. [illegible]
[illegible] huiusmodi commissione sit [illegible] posset eis [illegible] legatus [illegible]

Et ipsa an in dicto c. deliberantes in § prohibemus qui intelligitur etiam [illegible]
fiat et fit. dicitur [illegible] [illegible] [illegible] [illegible] [illegible] et ad quod
[illegible] [illegible] q. dicit ipsa an non alie [illegible] [illegible] [illegible] recipitur [illegible] 401
de [illegible] [illegible] ut commisse [illegible] vel specialis in [illegible] [illegible] in quibus [illegible]
et [illegible] [illegible] officii vel [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] videbatur q. non [illegible] et [illegible] [illegible] et [illegible]
in [illegible] [illegible] de officio [illegible] [illegible] [illegible] [illegible] vel [illegible] in aliis
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] habet [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] alie [illegible] [illegible] [illegible] [illegible] delegatus
quam [illegible] est ad non [illegible] [illegible] delegata [illegible] [illegible] [illegible] delegatus
de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
recta. [illegible] [illegible] [illegible] [illegible] c. 1. de [illegible] [illegible] [illegible] [illegible] [illegible]
aliquam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible]
[illegible] [illegible] alie [illegible] [illegible] [illegible] et pluribus [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de officio
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ipsa an [illegible] [illegible] [illegible] et [illegible] institutionis [illegible] [illegible]
[illegible] est alie [illegible] et non [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Item si aliquis episcopus habet collationem dictorum beneficiorum sit in dispositione [illegible] [illegible]
238 [illegible] [illegible] [illegible] [illegible] aliud beneficium [illegible] aliud quale beneficium [illegible] 402
[illegible] fuit dubitatum [illegible] [illegible] posset [illegible] et debet [illegible] resignare
beneficium et [illegible] aliquibus [illegible] [illegible] [illegible] potestate conferendi [illegible]
ad quem pertineat institutio ad illum etiam pertinet destitutio [illegible] resignationis
receptio. [illegible] de [illegible] [illegible] [illegible] c. 1. de [illegible] [illegible] et [illegible]
[illegible] de [illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] beneficiorum [illegible] non [illegible] ad
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] destitutio et est [illegible]
[illegible] pertineat institutio vel resignationis receptio [illegible] possessionem et non plus de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] de capellanis [illegible] [illegible] et [illegible]
[illegible] de [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] collationem institutionem et electionem quam [illegible] [illegible] [illegible]
[illegible] vel [illegible] [illegible] ut [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] de capellanis [illegible] [illegible] [illegible] ad quos
spectat plena jurisdictio disponendi aliquorum beneficiorum [illegible] [illegible]

et debet puniri sine instituti per eos preditur. ipsa ad quemlibet [illegible] c. [illegible]
clerum nec institutos [illegible] possunt sine ca. et [illegible] [illegible] admonitus et
[illegible] [illegible] [illegible] facit [illegible] [illegible] quod regulares [illegible] in [illegible] [illegible]
[illegible] [illegible] alleg. loquuntur in illo ad quem de iure tunc spectat institutio
sine collatio. [illegible] [illegible] si [illegible] et aliquo alio iure [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et in [illegible] de [illegible]

Item si contingeret quod [illegible] absolutus a [illegible] [illegible] [illegible] [illegible] et — 239
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] vigore [illegible] [illegible] [illegible]
dubitabatur de modo [illegible] [illegible] debet fieri in [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] aliquibus quod [illegible]
[illegible] fuit absolutus quod non tenet absolutio et sic remanet excommunicatus
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
glo. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et sine [illegible] iuris tenet et valet ut in [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et absolutio quod [illegible] [illegible] ambulat de [illegible] [illegible]
et non [illegible] [illegible] [illegible] excommunicatus de [illegible] [illegible] [illegible] [illegible] quod tenet
absolutio non est [illegible] excommunicandus sine [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quod alii [illegible] [illegible] [illegible] [illegible] [illegible]
quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] loquitur [illegible] [illegible] [illegible] significanter et [illegible] ad [illegible]
de off. ord. [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
loquitur [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
iuris [illegible] [illegible] [illegible] [illegible] et sic loquitur [illegible] [illegible] alli et sic fuit
[illegible] [illegible] [illegible] fuit [illegible] [illegible] dubitatio [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et sufficit [illegible] [illegible] aliqui di
[illegible] quod [illegible] debet [illegible] et [illegible] [illegible] facit [illegible] [illegible]
fuit excommunicatus [illegible] [illegible] [illegible] si [illegible] de eo [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] si [illegible] fuit [illegible]
[illegible] [illegible] [illegible] excommunicatus et male absolutus et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] et non [illegible] [illegible] de [illegible] [illegible]
[illegible] et facit [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et de [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] facit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible]
quod non [illegible] libello [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

proviso quod que petebatur restituendi fuit citatus et personaliter apprehensus in
curia ad dicendum contra processus. [illegible] obtentus et [illegible] dixit cum
eam quod recessit et [illegible] in sede quod licet potuit procedi contra ipsum per
audientiam [illegible] ad [illegible] ut c. i. de [illegible] et c. [illegible] de dolo et contumacia et c.
[illegible] et c. [illegible] et [illegible]

220 Item si quis petat se absolvi a sententia excommunicationis lata contra eum post appellationem
[illegible] et [illegible] appellationem [illegible] fuit ~~dubitatum~~ et justificationem [illegible]
[illegible] appellationem [illegible] et [illegible] appellationem [illegible] fuit dubitatum
[illegible] ~~appellationem~~ ~~[illegible]~~ [illegible] sufficienter [illegible]
ad effectum absolutionis obtinende ad cautelam et [illegible] aliquibus dominis
quod non [illegible]
non [illegible]
[illegible]
[illegible]
[illegible]
et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

404

221 Item si agitur [illegible] possessorio in causa beneficiali [illegible] et
[illegible] per spoliatum [illegible]
in [illegible] fuit dubitatum [illegible] non obstante [illegible] spoliatus
[illegible] et [illegible] aliquibus [illegible]
restitutionem [illegible]

405

predicta sunt similiter interpretanda de iure suo sive reconventionis quia predictum iudicium posset intelligi et interpretari de molestatione facta et non generali quod res sine ... premittitur dolo extorta quod non obligant quia fraus et dolus etc. et c. de ... et c.

... de ... in eundem videlicet quem non audit ... ... nec ... restitutionem de iusti ... ... cum quibus ... non obstat sunt ... et ... ... Nam licet ... ... predicta ... per ... non impediat restitutionem ut ... ... predictum ... ... ad restitutionem ... ... non obstat agenti ... ... et ... ... et c. ... de ... ... et ... de iure suo ... ... et ... ... et c. ... et c. ... et ... ... i. de iusti ... ... possessio ... ... et ideo sunt ... ... et ... ... predictum dolo vel vi ... ... ut ... de iure suo ad ... predictum ... ... non ... ... ad ... non ... ... ad ... et ... ut ... ... non ... ut dolo aut fraude inductus ... ad molestandum ... ... predictum sunt non ... ... et ... et c. ... ... sibi ... ... et ... ... de iure suo ... de ... ... et ... et ... ... sunt ... et ... ... predictum ... ad molestationem ... ... non molestare vel inquietare ... ... non ... obstare ... ... molestationibus et inquietationibus ... ... et ... ... sunt ... et ... ...

Item si actor qui ... ... absentis ... ... et ... ... ad ... ... actor ... de iure suo et ... ... [illegible]

406

Super quo si quis eius absentiam [illegible] sufficienter. Quid an contumaciam [illegible]
citationis et procedatur per audientiam ad sententiam [illegible] actoris absentis [illegible]
ad conclusionem [illegible] et [illegible] sententia absolutoria ab [illegible]
tionem actoris dubitabatur [illegible] talem vel qualem [illegible] auditor posset et
debet ferre [illegible] in causa [illegible] vidcatur
quod ab instantia iudicii [illegible] auditor debet [illegible]
absolvere [illegible] et quod [illegible]
[illegible] et de dolo [illegible] actor [illegible] citatus [illegible]
[illegible] diffinitiva [illegible] et
[illegible] actor [illegible] citatus
[illegible] potest [illegible]
et [illegible] libellos [illegible] libellos
[illegible] actor [illegible]
[illegible] citatum [illegible] contumaciam [illegible] potest et [illegible]
in causa [illegible] quam [illegible] actor citatus
[illegible] in causa [illegible]
et [illegible] potest et debet [illegible] diffinitiva [illegible]
absolutoria ab [illegible] et [illegible]
[illegible] actoris [illegible] diffinitivam [illegible]
[illegible] absolutoria [illegible]
[illegible] et [illegible] de dolo [illegible]
[illegible] actoris [illegible] absentiam [illegible]
[illegible]
et in causa [illegible] actor citatus [illegible]
[illegible] actor [illegible]
et citatus [illegible] et [illegible] debent [illegible]
[illegible]
[illegible] absolutoria
[illegible] potest [illegible] diffinitivam [illegible]
[illegible]
[illegible] et citatus [illegible]
[illegible] actor [illegible] potest [illegible]
[illegible] et [illegible] actor [illegible] debent
[illegible]
[illegible] et [illegible]
[illegible] actoris [illegible] et [illegible]
[illegible] actoris
et [illegible] debent
actor [illegible] et [illegible] velle et posse [illegible] et tale [illegible]

[illegible] et [illegible] predictos sufficientes [illegible] potest [illegible]
et [illegible] [illegible]
[illegible]
[illegible]
[illegible] voluntatis
[illegible]
[illegible]
[illegible]
[illegible] ad [illegible] et
[illegible]
[illegible]
[illegible] ad
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

443

Item [illegible]

407

[illegible]

444

[illegible] ad pertinentiam [illegible] et [illegible] accessoriis [illegible]

[illegible] et [illegible] reperitur [illegible]

[illegible] fuit [illegible] et [illegible]

[illegible] putata [illegible] ad [illegible]

[illegible] possit [illegible]

[illegible] debet et [illegible] et [illegible] sufficienter instructus ad [illegible]

[illegible] et quia [illegible] ut [illegible]

[illegible] fructus recepit [illegible] fructus [illegible]

et [illegible] absolvendo [illegible] fuit [illegible]

[illegible] et [illegible] fructus [illegible]

[illegible]

[illegible]

[illegible] ad [illegible] et [illegible]

[illegible] et [illegible]

222 [illegible] fuit dubitatum [illegible] possit [illegible] sive gleba

aut alia gleba in [illegible] putata castro [illegible] fuit

[illegible] non possit [illegible]

sine aliqua [illegible] fuit dubitatum et [illegible]

[illegible] non possit [illegible] et [illegible]

223 [illegible] et [illegible] beneficiatis

[illegible] gleba et [illegible] sive [illegible] et [illegible]

[illegible]

[illegible]

et [illegible] et [illegible]

[illegible] ad [illegible]

[illegible] fuit [illegible]

224 [illegible]

[illegible] et [illegible]

[illegible]

[illegible] fructus et [illegible]

fuit [illegible] dubitatum et [illegible] debet [illegible]

[illegible] fructus [illegible] et

[illegible] fructus [illegible]

[illegible] et

[illegible] fructus [illegible]

[illegible]

[illegible] fructibus [illegible]

408

409

in beneficio et malae fidei possessorem [illegible] impetrat cum sibi sunt succedentes [illegible]

[illegible] et [illegible] [illegible]

[illegible] dicit [illegible] glo. [illegible] succedentes in [illegible] tenentur restituere fructus

in beneficio [illegible] et [illegible] titulo

ad restitutionem [illegible]

[illegible]

[illegible] 409 ~~408~~

[illegible]

Item si [illegible] appellavit et apostolos [illegible] 226

[illegible] 410

[illegible]

[illegible]

attento etiam quod ille [illegible] predictus [illegible] est [illegible]
[illegible] est [illegible] pro [illegible]
et [illegible] collatione [illegible] debet
[illegible] sibi [illegible] debita
[illegible] apostolica [illegible]
[illegible] et [illegible]
[illegible] dicit [illegible]
[illegible] apostolicas [illegible]
[illegible] apostolicam [illegible]
[illegible]
[illegible]
[illegible] est [illegible] 227
[illegible] debet
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible]
[illegible] est
[illegible] in [illegible]

Item si [illegible] apostolica acceptet aliquod [illegible] sibi et 228
[illegible] fuit [illegible]
[illegible] acceptatio et [illegible] sit [illegible]
[illegible] acceptatio
411 [illegible] et [illegible]
[illegible] et [illegible]
[illegible] et [illegible] est [illegible]
[illegible] sunt [illegible] et [illegible]
[illegible] acceptationem [illegible] acceptavit [illegible]
[illegible] et [illegible] 240
[illegible] acceptatio [illegible]
[illegible] et si [illegible]
[illegible] et [illegible]
[illegible] et [illegible] non valet et
[illegible] et [illegible] sunt [illegible]
[illegible] quod [illegible]

[illegible]

239 Item fuit [illegible]

240 Item fuit [illegible]

[illegible] duo [illegible] et [illegible] qui [illegible]
[illegible]

Item si [illegible] lata [illegible] 471
[illegible]

Item si [illegible] 472
[illegible]

q̄ et istam latam causa subrogationis tam quo ad totum [illegible] subrogatur ad
ius [illegible] sicut et debet ut litis pendentia [illegible] surrogati et successor ad ius quod
[illegible] de [illegible] [illegible] ut [illegible] [illegible] ad [illegible] [illegible] quod iste [illegible]
subrogandus possit an [illegible] [illegible] [illegible] [illegible] attemptata [illegible] [illegible] [illegible]
[illegible] quod [illegible] [illegible] [illegible] fuit attemptata [illegible] [illegible] [illegible]
tamen illis [illegible] [illegible] quod [illegible] possessionem istius beneficii [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] de subrogando quo ad [illegible] [illegible] quo ad possessionem que est [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad possessionem ~~que est~~ [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] quod iste actor intrudens [illegible] litis pendentia a possessione amoveatur et de fructibus
sibi non respondeatur et si [illegible] iste subrogatus ~~[illegible]~~ [illegible] [illegible]
[illegible] [illegible] fructibus [illegible] [illegible] [illegible] et non [illegible] de [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] fuit [illegible] [illegible] et [illegible] [illegible] quod iste [illegible] [illegible] ad
litis [illegible] admittatur et [illegible] [illegible] predicti officiales [illegible] [illegible]
possessionem beneficii litigiosi [illegible] [illegible] [illegible] actor apprehendit [illegible] possessionem
amoveatur [illegible] et [illegible] [illegible] [illegible] et non ad [illegible] [illegible] subrogatus
[illegible] [illegible] et [illegible] possessionem actoris [illegible] a possessione amoveatur [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quo ad possessionem [illegible] possessionis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] possessio [illegible] [illegible] [illegible] [illegible] subrogatus [illegible] [illegible] [illegible]
[illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] fuit [illegible] [illegible]
non actor [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] litis pendentia
intrudatur [illegible] in possessionem [illegible] beneficii [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] litis et possessionem [illegible] et possessor [illegible] subrogatus [illegible]
et ille [illegible] [illegible] intrusionem et [illegible] [illegible] [illegible] attemptatis
[illegible] [illegible] et [illegible] [illegible] possessionem [illegible] fuit [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et fuit [illegible] quod non [illegible] [illegible]
[illegible] fuit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] possit esse [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] subrogando [illegible] possessionem agere [illegible] ad [illegible]
possessionem que non est danda [illegible] titulo [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
non [illegible] possit [illegible] [illegible] attemptata litis pendentia [illegible] intrusionem [illegible]
[illegible] a possessione [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] quos [illegible] alii

Item si appellatur [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ab aliquo [illegible] et [illegible] [illegible] [illegible] [illegible]

473

476

tenore ea appellans alii procuratores et pendente [illegible] inhibicionem pro
auditoris [illegible] procedat qui non obstante tenore inhibicionis [illegible]
[illegible] adversarii [illegible] fuit [illegible] processus et
[illegible] valeant et teneant et [illegible] processus
[illegible] auditoris post inhibicionem [illegible] et [illegible]
[illegible] et [illegible] appellacione [illegible]
et [illegible] solum [illegible] etc. [illegible]
[illegible] appellans [illegible] appellacione [illegible] sit [illegible] inhibicio
[illegible] procedat ut [illegible]
fuit totum [illegible] ut [illegible] illa [illegible]
[illegible] et [illegible] est inhibicio ut [illegible] illa [illegible]
[illegible]
non est [illegible] et [illegible] inhibicionem [illegible]
[illegible] et [illegible] appellacione sit [illegible]
[illegible] et [illegible] appellacione sit [illegible]
[illegible] et [illegible] appellacione sit [illegible] et
[illegible] appellans [illegible]
[illegible] sit [illegible] et [illegible]
et non [illegible] sit inhibicio et [illegible] inhibicio [illegible] valet
[illegible] ut [illegible] illa [illegible] et [illegible]
[illegible] appellacione [illegible]
[illegible] et [illegible] et ut [illegible] non
[illegible] appellans qui [illegible] et non [illegible]
[illegible] non est [illegible] non [illegible] sit [illegible] est [illegible]
[illegible]
[illegible] appellans [illegible] ut [illegible] et [illegible]
[illegible] sit [illegible] et inhibicio [illegible]
[illegible] appellans [illegible] et [illegible] non
[illegible] est [illegible] appellans [illegible]
[illegible] et [illegible] [illegible] inhibicionem non [illegible]
est [illegible] est [illegible]
[illegible] appellans et [illegible] et non [illegible] et [illegible]
[illegible] appellacione [illegible] sit [illegible]
[illegible] et [illegible] et [illegible]
[illegible] et [illegible] ut [illegible]
[illegible] appellans [illegible]
[illegible] [illegible]
[illegible] appellacione [illegible]
et [illegible] appellacione [illegible] auditoris
[illegible] appellans [illegible] valet et tenet inhibicio

[illegible] ... et ... alijs

277 Item si ... [illegible] ...

[illegible]

de actione

278 Item si ... [illegible] ...

[illegible]

cum lex videbatur ad literam [illegible] est si fuerit ipsius istarum predicte
si in data [illegible] hic et [illegible] sibi [illegible] quo [illegible] est si
[illegible] sibi [illegible] [illegible] et in [illegible]
in te facit [illegible] qui sunt [illegible]
alleg[illegible] de [illegible] et [illegible] obstare sunt
[illegible] et [illegible] relationes [illegible] ut ad clare [illegible]
[illegible] istarum [illegible]
[illegible] dixit [illegible] est [illegible] ordinarii de
[illegible] obiectum [illegible] debebat [illegible] obiectos [illegible]
[illegible] et [illegible] de li-
[illegible] alios [illegible]
[illegible] igitur quod [illegible] intendo
[illegible] [illegible] ad [illegible]
et [illegible] sibi [illegible] igitur [illegible]
[illegible] obiectos [illegible] sibi
[illegible] sibi [illegible]
[illegible] obiectum [illegible] ipsius [illegible]
[illegible] videtur ipsius [illegible] de [illegible] de [illegible]
pastorale de [illegible] et [illegible] de [illegible]
[illegible] et [illegible] de plano quo ad [illegible] ipsius [illegible]
[illegible] et ordinarii [illegible] sibi [illegible]
[illegible] ego [illegible] ipsius [illegible] capitis [illegible]
[illegible] ipsius istarum et [illegible]
[illegible] et [illegible] obiectum [illegible] et [illegible]
[illegible] potest [illegible] et [illegible]
obiectum [illegible] potest [illegible]
[illegible] et [illegible] alleg[illegible] et in [illegible]
[illegible] et facit [illegible] est [illegible]
[illegible] ipsius [illegible] et [illegible]
[illegible] vide [illegible] glosa [illegible]
de illo qui recipit [illegible] et [illegible]
[illegible] volebat [illegible] aliquem [illegible] ipsius [illegible]
de officio [illegible] et alios [illegible] diceba[t] ipsius
[illegible] officio [illegible] et alios [illegible] reputabat
sibi [illegible] ad magnam [illegible] [illegible]

tum in dicta bulla [illegible] apostolice sedis [illegible] in dicta sede sedens est summus [illegible] [illegible] [illegible] et omnia [illegible] et omnia obiecta [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] obiectus [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] non [illegible] allegata [illegible] [illegible]

271 Item fuit dubitatum et in relacionibus portatum [illegible] et an [illegible] [illegible] collegiatarum possent [illegible] [illegible] conferendi [illegible] et installandi canonicos [illegible] et alios [illegible] [illegible] [illegible] [illegible] [illegible] super quo dubio fuit allegatum quod ad [illegible] in predictis relacionibus allegatum et tractatum [illegible] et mixti imperii et spectare ad [illegible] non [illegible] [illegible] ff. de [illegible] leges [illegible] [illegible] canones [illegible] [illegible] est [illegible] [illegible] meri imperii [illegible] delegari [illegible] legit. et [illegible] [illegible] [illegible] [illegible] [illegible] et sunt [illegible] de [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] et sunt [illegible] [illegible] [illegible] et [illegible] canones [illegible] [illegible] et [illegible] Nam non est [illegible] [illegible] episcopos et superiores prelatos [illegible] [illegible] et mixtum in [illegible] [illegible] [illegible] corrigendi puniendi [illegible] [illegible] degradandi suspendendi [illegible] [illegible] [illegible] [illegible] [illegible] in summa [illegible] et [illegible] [illegible] [illegible] [illegible] de [illegible] et [illegible] et [illegible] de [illegible] de translatione et [illegible] et [illegible] de [illegible] et [illegible] [illegible] [illegible] de [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] et [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] meri imperii [illegible] [illegible] [illegible] ubi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] legem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] episcopis [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ibi [illegible] et [illegible] [illegible] [illegible] de [illegible] et [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] cathedralium [illegible] [illegible] de [illegible] [illegible] [illegible] ad [illegible] et [illegible] [illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

capitulo electus et quod cum confirmatus fuit consecrabatur [illegible] Nam tunc ipse solus
episcopalem et consimilem superiorem habet ordinariam iurisdictionem [illegible]
[illegible] fuit [illegible] restaurat et dedicat [illegible] in abbatiis prelatis de officio
[illegible] et ibi [illegible] quod [illegible] prelati fuit [illegible] et [illegible] fuit de officio ordinarii
[illegible] et [illegible] ad hoc de [illegible] [illegible] [illegible] talibus ipso [illegible] [illegible]
[illegible] qui [illegible] capitulo [illegible] de [illegible] [illegible] [illegible] [illegible]
[illegible] dicit [illegible] quibus clericis [illegible] [illegible] [illegible] conferendi et [illegible] legis [illegible]
non habet ordinariam iurisdictionem. Sed quod [illegible] [illegible] [illegible] decanus et
capitulum nisi [illegible] [illegible] [illegible] fuit dubitatum et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] possessionem [illegible] [illegible] iudicandi et [illegible]
et fuit [illegible] [illegible] [illegible] non [illegible] [illegible] in [illegible] de [illegible]
ipse dicit [illegible] quibus sit [illegible] [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] prelata non tenent [illegible] quod [illegible] et iudicare [illegible] fuit
fructus iurisdictionis [illegible] [illegible] fructus [illegible] fuit [illegible] [illegible] [illegible] labor et
omnis et sic non obstat [illegible] [illegible] [illegible] de [illegible] [illegible] et [illegible] et [illegible]
de iure [illegible]. Nam eligere vel [illegible] [illegible] sit [illegible] [illegible] [illegible] eligendi
vel [illegible] vel non [illegible] [illegible] [illegible] in [illegible] de [illegible] [illegible] [illegible] qui [illegible]
[illegible] [illegible] [illegible] [illegible] iurisdictionis [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] [illegible]. Nam ut [illegible] de [illegible] [illegible] [illegible] [illegible]
iurisdictionem [illegible] [illegible] [illegible] de [illegible] [illegible] non [illegible] [illegible] [illegible]. Sed [illegible]
videri quod [illegible]. [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible] vel [illegible]
illi non habebat [illegible] [illegible] iurisdictionis [illegible] [illegible] [illegible] [illegible] decanus
et capitulum [illegible] ad [illegible] de [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] de officio [illegible] et ad non [illegible] de [illegible] est de [illegible] [illegible] [illegible] [illegible]
[illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] dicit et ut videtur [illegible] [illegible]
ut non de [illegible] [illegible]. [illegible] [illegible] tenet [illegible] quod quibus clericis [illegible] [illegible] et
[illegible] [illegible] conferendi et si [illegible] quod [illegible] [illegible] [illegible] et [illegible] [illegible]
vel alio [illegible] [illegible] [illegible] [illegible] [illegible] possessionem conferendi et [illegible] [illegible]
[illegible] [illegible] in possessionem conferendi ut non [illegible] [illegible] in [illegible] [illegible] et si et
[illegible] [illegible] [illegible] [illegible] de [illegible] [illegible]. Sed [illegible] sufficeret ad hoc [illegible]
[illegible] [illegible] [illegible] [illegible] de capitulo [illegible]. [illegible] [illegible] quod non [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] non [illegible] si de [illegible] Nam [illegible]
[illegible] [illegible] [illegible] possessionem [illegible] iurisdictionem [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quod ad iurisdictionem [illegible] [illegible] [illegible]
non [illegible] in [illegible] [illegible] [illegible] [illegible] quod [illegible] iurisdictionem [illegible]
[illegible] [illegible] [illegible] et [illegible]. Sed [illegible] [illegible] [illegible] [illegible] alia et [illegible]
[illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] possessionem de [illegible] [illegible]

licet nec si ullus alterius alius in iurisdictionem illorum personarum quod tunc ad
alias personas non extenditur possessio iurisdictionis. Ista [illegible] bene licet quod si
aliquis est in possessione iurisdictionis super laicis [illegible] et super personarum iurisdictionem
in laicam personam tamen aliquis [illegible] fuerint duo et parentes [illegible] tota [illegible]
[illegible] quod quia laica et communa est glo[sa] super laicus [illegible] et non extenditur
[illegible] possessio [illegible] ad personam [illegible] quod alie [illegible] iurisdictionem non
possidebat aliam sed aliud tamen quod ego [illegible] iurisdictionem illam personam et alia
[illegible] habet de [illegible] temporalis nec in [illegible]
in c. [illegible] de testi[bus] [illegible] et ibi [illegible] de hac materia [illegible] dubiorum
in [illegible] et [illegible] fuit [illegible] capitulo dotatam
[illegible] iudicandi corrigendi puniendi [illegible] et [illegible] in
[illegible] loci
[illegible]

278 [illegible]

et [illegible] presentacione [illegible] que [illegible] predictam [illegible] habebit nisi [illegible] ad
[illegible] Et [illegible] impetratoris obtinebit [illegible] trahat ad se possessionem [illegible]
[illegible] Nec spoliatoris [illegible] spoliatus [illegible]
[illegible] possessionem et fructus recuperaris [illegible] ingressum ad [illegible]
[illegible] possessionem [illegible] obtinuisset et [illegible]
[illegible] introductionem [illegible]
spoliati et [illegible] spoliatus [illegible] possessionem [illegible]
[illegible] fructus [illegible]
statutum est [illegible]
[illegible]
[illegible]
[illegible] Sed [illegible] lata
[illegible] lata fuit [illegible]
[illegible] possessionem [illegible] fructus [illegible]
[illegible] possessionem [illegible]
[illegible]
[illegible]
[illegible] possessionem [illegible]
[illegible]
[illegible]
[illegible] possessionem [illegible]
[illegible]
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[illegible] possessionem [illegible]
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[illegible] possessionem [illegible]
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[illegible] possessionem [illegible]
[illegible]
[illegible]
[illegible] possessionem [illegible]
[illegible]
[illegible] possessionem [illegible]
[illegible]
[illegible]
[illegible] possessionem [illegible]
[illegible] Nec

tenetur ad restitutionem [illegible] [illegible] [illegible] [illegible] iudices [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] vigilanti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] loco [illegible]
attemptatorum [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] plena [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] petitorium [illegible] [illegible] [illegible] [illegible] [illegible] iudicii [illegible] [illegible] [illegible] [illegible]
significavit [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible]
[illegible] [illegible] attemptata. Nam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] ab absurdo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] auditus [illegible] [illegible]
habere

261 Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] et [illegible] alios [illegible] [illegible] [illegible] [illegible] et [illegible]
et [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] alios [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] iudici et [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] lata

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[illegible] [illegible] [illegible] [illegible] [illegible] lata [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
fatalia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
per [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fatalia [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]

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o potuit dici et opponi si acquievisse fuit [illegible] ca. in prima [illegible] appo. [illegible] quod potuit de app
interposita et prosecutione et in hac [illegible] [illegible] [illegible] duorum .

nisi appellasset alias ut videtur traditus et [illegible] fuisset. Si tamen cum
diceebat predictum processum predictis pendentem cum causa sit citatus. et apprehensum
vigore dicte citationis [illegible] et auditor de appellationibus [illegible] tenuit [illegible]
[illegible] cum diceebat [illegible] si [illegible] citatus [illegible] [illegible] [illegible]
de [illegible] si mandatum fuisset sibi quod [illegible] citaret [illegible] [illegible]
illius beneficium [illegible] vel quod actor sibi duxit nominandum [illegible]
[illegible] et debito [illegible] auditor potuisset vel [illegible] [illegible]
[illegible] comprehensa in [illegible] citatione in forma [illegible] [illegible]. et [illegible]
[illegible] [illegible] sunt [illegible] interpretandi [illegible] quod [illegible] [illegible]
auditor vigore dicte generalis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] non [illegible] nisi [illegible] in qua [illegible] non
valet citatio que est [illegible] de [illegible] [illegible]. [illegible] videtur
[illegible] in [illegible] [illegible] et in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
citationem [illegible] [illegible] et non [illegible] citatione [illegible] que ut [illegible]
[illegible] mandati [illegible] si ad [illegible] [illegible] [illegible] vel agit de [illegible]
[illegible] [illegible] mandati vel deleg[illegible]. cum sibi debeat [illegible] citari [illegible]
[illegible] sibi [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
quod [illegible] [illegible] citatio [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] collata [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et citationem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] citatione
[illegible] non [illegible] [illegible] auditor [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]. de [illegible] [illegible] et [illegible]
[illegible] de app [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] citatio non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] qui [illegible] [illegible]
vel non [illegible] non [illegible] et [illegible] [illegible] [illegible] [illegible]. ubi [illegible] [illegible]
[illegible] [illegible] [illegible] de app [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] nisi [illegible] [illegible] [illegible] allegabam [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] [illegible] [illegible] [illegible] argumentum glo. [illegible] [illegible] et [illegible]. [illegible] [illegible] [illegible]
citari cum [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible]
non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] cum [illegible] [illegible]
[illegible] non [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et non. de [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

quod sententia lata contra decanum et capitulum sicut fuit citatio pendebat quod sententiam
suam agi faterer videlicet quod non audietur postea volens agere contra sicut ipsi sententiam
reportantes obstat sibi exceptio rei iudicate prius [illegible] alias ad hoc in
si vellet tacere et possessionem retinere [illegible] sententia predicta [illegible] contra eum
[illegible] quod non est lata nec posset fieri sit qualibet et nulla videlicet contra omnes quos
interest [illegible] de [illegible] ff. de [illegible] l. [illegible]
in expensis condempnati quia si non opponunt nec ad opponendum veniunt ymmo ab
solvendum [illegible] ab illa citatione et pro aliis condempnandis expensis [illegible]
non sunt ymmo et [illegible] ubi [illegible] interest quod non preiudicet
contra eum in ipsa pendente nisi fuit ymmo citatus [illegible] et per iudicem
[illegible] est [illegible] faciendi et si non fuit [illegible]
[illegible] fuit in ipsa citatus quia citatus ymmo ad [illegible] non [illegible] et
si comparuit non tenebatur [illegible] fuit [illegible] contra [illegible]
[illegible] et [illegible] et [illegible]
[illegible] et [illegible] fuit [illegible] concordat [illegible]
[illegible] quod [illegible] obtinet [illegible] contra [illegible]
[illegible] pendente [illegible] et [illegible]
quod et [illegible] fuit obtenta et lata sententia contra [illegible] et [illegible]
[illegible] quod principi placuit [illegible] de [illegible] de legibus
[illegible] iusti de iure [illegible] et [illegible] quod principi [illegible]
[illegible] et [illegible]

262 Item si committitur iudicatori quod inquirat [illegible] et [illegible]
[illegible] et [illegible] committitur [illegible]
fuit [illegible] maxime [illegible] posset [illegible]
et debet admitti ad [illegible] absentis et [illegible] quod non
quod [illegible] tenetur [illegible] non [illegible]
[illegible] et [illegible] non fuit [illegible]
[illegible] et [illegible]
[illegible] quod [illegible] non [illegible]
[illegible] non admitti [illegible] et [illegible]
[illegible] et [illegible]
[illegible] non posset [illegible]
[illegible] non [illegible]
[illegible] quod [illegible] admittatur [illegible]
quod [illegible]
[illegible] et [illegible]
[illegible] et [illegible] ubi [illegible]
[illegible] et [illegible] est
[illegible]
[illegible] et [illegible]
[illegible] et [illegible]
[illegible] admittitur [illegible] et [illegible]
[illegible] quod [illegible] ubi [illegible] magna [illegible]

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425

confessionibus propriis et statim sit et debet pro non condempnatis ... [illegible]

... [illegible] ... spoliati ... [illegible] ... pastoralis ecclesie ... [illegible] ... spoliato vel plantato in uno ... titulo ... [illegible] ... possidere beneficium ... [illegible] ... spoliatum ... [illegible]

263 Item fuit dubitatum ... [illegible]

426

264 [illegible]

427

nisi in ecclesia sua canonice [illegible] ex quo constabat de vacatione et de ipsius vacationis
tempore [illegible] appellatum erat pendente [illegible] et adhuc constitutio
erat facta [illegible] et de ydoneitate presentati [illegible] de presentacione
ad instituendum [illegible] ut plurimum valde difficile est in admittendo
et instituendo presentatum de iure patronatus [illegible] plures [illegible]
iuris [illegible] de instituendo [illegible] presentatis [illegible] de officio et delicto et facta
[illegible] ecclesia [illegible] constat
[illegible]
delicto [illegible] et in [illegible] qui [illegible]
[illegible] ad [illegible] officii [illegible] et [illegible]
[illegible] et in q. i. legis et [illegible]
[illegible] dicitur [illegible] institucio sufficiens fuisse plures
[illegible] capite [illegible] ulla [illegible] de [illegible]
ubi [illegible] instituciones [illegible] ac [illegible] non
constituat de [illegible] falsum [illegible] ad [illegible]
quod episcopus [illegible] non apparuit ut [illegible]
tamen de iure [illegible] presentatus ut plurimum [illegible]
[illegible] et [illegible]
ut si [illegible] vellet maliciose [illegible] posset [illegible]
[illegible] debebat [illegible] sufficientem [illegible] de [illegible] doctores
[illegible]

266

Item si [illegible] lata [illegible] ut in causa ad [illegible] appellatur
et non [illegible] appellacionis [illegible] appellans [illegible] in causa
[illegible] appellacionis et [illegible] pendente [illegible]
et [illegible] pendente [illegible] appellante [illegible] fuit [illegible] posset [illegible]
[illegible] et pendente [illegible] non [illegible] et nullum [illegible]
[illegible] fuit [illegible] devoluta ad causam [illegible]
[illegible] et [illegible] negocium [illegible]
[illegible] fuit ad causam [illegible] devoluta [illegible]
et [illegible] statim [illegible] facit regula
[illegible] accessorium [illegible] causa [illegible] appellans [illegible] iudex [illegible]
[illegible] causa [illegible]
[illegible]
[illegible] appellans [illegible]
[illegible] iudex [illegible] et pendente [illegible] ad
[illegible] sit [illegible] ut [illegible] iudex [illegible]
[illegible] de [illegible] de officio [illegible] significanter [illegible]
delicto ut si appellacio sit [illegible] non est iudex [illegible] ubi non [illegible]
causa appellans [illegible]
et [illegible] ad [illegible] littera [illegible] iuris [illegible]

[illegible] appell[atio] [illegible] et [illegible]
[illegible] appellant[es] [illegible]
[illegible] appellantes [illegible]
[illegible]
[illegible] appellantes
[illegible] et [illegible]
[illegible] appellatio[n]em [illegible]
[illegible] et [illegible] littera [illegible]
[illegible] q[uod] sibi licebit de iure de app[ellatione] [illegible] et [illegible] appellacio[n]e[m] et [illegible]

261 de app[ellatione] [illegible] et [illegible] appellant[es]
[illegible] et [illegible] appellat[ionem] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] de app[ellatione] [illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible] de app[ellatione] [illegible]
[illegible] appellantes [illegible]
[illegible] appellantes [illegible] et [illegible]
et [illegible] appell[ationem] [illegible]
[illegible]
[illegible] appellat[io] [illegible]
[illegible] appellantes [illegible]
[illegible] et [illegible]
et [illegible]
[illegible]
[illegible]
et [illegible]

261 [illegible]
[illegible] et [illegible]

429

[illegible] [illegible] probabilia [illegible] lex [illegible] lex [illegible] non possit tollere [illegible]
vel [illegible] testatoris [illegible] ut non [illegible] materia [illegible] [illegible]
[illegible] facit [illegible] [illegible] [illegible] [illegible]
facit [illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] Item [illegible] judex appellationis [illegible] judicii [illegible] ita quod omnia que [illegible] judex
[illegible] potuit et debuit et [illegible] [illegible] et debet [illegible] [illegible] [illegible] [illegible] 268
[illegible] [illegible] [illegible] judex debebat [illegible] [illegible] [illegible] [illegible]
et non [illegible] quod judex appellationis [illegible] ad supplendum negligentiam [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] sua [illegible] non potuit
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] appellatione [illegible] [illegible] quod [illegible] non possit quod [illegible] appellationis ita
[illegible] [illegible] [illegible] appellationis [illegible] [illegible] et [illegible] [illegible]
[illegible] ubi [illegible] [illegible] ubi [illegible] [illegible] testium vel [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ubi [illegible] [illegible] [illegible] ut judici
[illegible] testium vel [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible]
et alii [illegible] [illegible] [illegible] [illegible] et alii [illegible] [illegible] [illegible]
ff de appellationibus et [illegible] [illegible] [illegible] et ff de [illegible] [illegible] [illegible] [illegible]
et in [illegible] non [illegible] et [illegible] potuit [illegible] et [illegible] [illegible] quod [illegible]
judici [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] non obstante [illegible] [illegible] [illegible]
quod [illegible] appellata [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] non [illegible] quod appellatione [illegible] appellationis
[illegible] appellatione [illegible] [illegible] ut [illegible] [illegible] obstat [illegible]
et [illegible] ubi [illegible] quod judex appellationis [illegible] [illegible] et [illegible] [illegible]
[illegible] auditoris quod [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible]
ubi [illegible] ut in [illegible] [illegible] appellationibus lex [illegible] non [illegible] [illegible] [illegible]
quod judex non [illegible] [illegible] [illegible] [illegible] nisi [illegible] [illegible] ut judici [illegible]
quod ita fuit in [illegible] non [illegible] ego qui [illegible] [illegible] appellationis [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] mei auditorum in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

Item voluit et ordinavit dominus [illegible] quod [illegible] quod [illegible] [illegible] [illegible] 269
[illegible] [illegible] [illegible] sigillo suo sub [illegible] testium et tabellionis non [illegible]
in [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible]
alio [illegible] [illegible] [illegible] [illegible] [illegible] beneficia [illegible] et
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] sit [illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] non valet
[illegible] [illegible] [illegible] quod in [illegible] [illegible] [illegible] non obstante
non [illegible] [illegible] de [illegible] lex [illegible] quod [illegible] et [illegible]

tamen presentatur pluribus solo sigillo de litteris sigillatis prout [illegible] [illegible]
[illegible] probatur solo eius sigillo sigillatas ut [illegible] de [illegible] [illegible]
et [illegible] remissio [illegible] [illegible] et de [illegible]
[illegible]

De testamento

Item si quis plures filios in sua potestate habens singulos instituit inequalibus [illegible] et eos alios singulariter instituit [illegible] relinquens [illegible] testamentum probatur quia ubi constat testatoris voluntatem relinquendi universaliter heredem et ita [illegible] testatum [illegible] adiectio [illegible] universalis [illegible] testamentum et testandi [illegible] repugnantes [illegible] et non [illegible] et trahit ad [illegible] testamentum [illegible] tamen [illegible] et sic [illegible] probatur quia si testator [illegible] universale heredem instituit et addiderit institutionem [illegible] ad [illegible] hereditate habetur [illegible] adiecta ff. de [illegible] insti. l. i. et ff. de heredibus insti. l. si ita quod [illegible] institutus sit [illegible] facit [illegible] universali institutione [illegible] auferri non potest [illegible] testator non potest facere [illegible] locum habeat in [illegible] testamento de l. [illegible] de testa. [illegible] ut [illegible] non patitur [illegible] decedat [illegible] intestatus ut [illegible] ut legatarius ut ff. de acquir. hered. l. i. et [illegible] glo. [illegible] trahit ad testandi [illegible] intestati [illegible] ut l. [illegible] de [illegible] de le. l. [illegible] ff. de acquir. here. l. [illegible] et l. [illegible] si facit [illegible] de testa. [illegible] ut [illegible] ita [illegible] ff. de hered. insti. [illegible] si testator instituit [illegible] intestato [illegible] institutus [illegible] argumentum [illegible] filio familias in [illegible] potestatis constituto [illegible] ut [illegible] de hered. insti. l. [illegible] ut [illegible] [illegible] ubi dicit [illegible] relinqui [illegible] institutos et [illegible] si [illegible] relinquit [illegible] [illegible] et l. [illegible] testa. et [illegible] legis [illegible] verbis [illegible] de [illegible] universalitatis [illegible] adiectio [illegible] plures [illegible] adiecta [illegible] legatariorum ut [illegible] alius [illegible] de legat. quia [illegible] non apparet [illegible] et ista sit probabilis [illegible] est et [illegible] testandi [illegible] de hered. insti. quia [illegible] pluribus [illegible] [illegible] universali institutionis [illegible] si testator [illegible] non [illegible] ut l. i. [illegible] ff. de hered. insti. [illegible] non si [illegible] ut in [illegible] l. [illegible] testator [illegible] [illegible]

quod ibi non loquitur in heredibus [illegible] sed particulariter institutis alle[gatis] [illegible]
lex prout ff. de vulgari et pupillari substitutione. et in testamento ubi dicitur quod testator [illegible] heres
ius accrescendi [illegible] heredis institutio [illegible] in alio [illegible] capiat
quod quod videtur non est ubi [illegible] quod videtur testator tollere ius accrescendi [illegible]
substitutione quia si substitutionis [illegible] et [illegible] contrariarent alte[ri] [illegible]
[illegible] non [illegible] l. [illegible] ff. de l. [illegible] quod in [illegible] l. [illegible] substituti
quod non habet locum ius accrescendi [illegible] favore [illegible] [illegible] testamentum
[illegible] in [illegible] non aut [illegible] heredis ut l. [illegible] et § [illegible] ff. de
iniusto testamento. et ita [illegible] sibi [illegible] [illegible] [illegible] [illegible] intestati [illegible] ad se
[illegible] testamenti [illegible] [illegible] [illegible] ob [illegible] [illegible] ff. de [illegible] instituti quod ubi sunt
due institutiones [illegible] repugnantes [illegible] [illegible] [illegible]
se impediunt [illegible] non [illegible] testator est potentior ad l. [illegible] de heredibus
instituti [illegible] [illegible] [illegible] quod voluntas testatoris [illegible] est quod [illegible]
tales qui non [illegible] et sibi ipsi repugnantes [illegible] [illegible] a [illegible]
ut in [illegible]

Item quod lex [illegible] de [illegible] [illegible] l. [illegible] [illegible] habet locum [illegible] [illegible] 211
[illegible] alia [illegible] [illegible] [illegible] non [illegible] de [illegible] alleg[atur]
[illegible] in [illegible] et [illegible] in [illegible] [illegible] [illegible]

Item quod [illegible] [illegible] [illegible] [illegible] [illegible] sibi [illegible] 212
[illegible] non [illegible] [illegible] dolo [illegible] [illegible] [illegible]
[illegible] et non de [illegible] et [illegible] [illegible] non [illegible]
de app. l. [illegible] [illegible] [illegible] [illegible] glo.

Item fuit dubitatum et [illegible] [illegible] [illegible] [illegible] [illegible] 213
[illegible] aliquam [illegible] possit [illegible] [illegible] [illegible] [illegible]
fuit [illegible] et [illegible] [illegible] quod sit [illegible] [illegible] [illegible] [illegible]
ita et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ut [illegible] de [illegible] et [illegible] non [illegible] [illegible]
[illegible] ita [illegible] [illegible] [illegible] ut ubi non [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] ita et [illegible] [illegible] [illegible] quod [illegible]
[illegible] et [illegible] [illegible] [illegible] in [illegible] ut [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
quod non [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et non [illegible] [illegible] [illegible]
de [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] qui
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] qui [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

de [illegible] de [illegible] c. i. [illegible] li. vi. et c. i. de [illegible] que [illegible] et non [illegible]
[illegible] plenius [illegible] ad aliquos [illegible] [illegible] ad illa [illegible]
[illegible] [illegible] ad [illegible] et [illegible]
[illegible] de [illegible] [illegible] alle[illegible] et [illegible] [illegible] de
[illegible] c. i. de [illegible] li. vi. et cle. i. de [illegible] et ubi [illegible] [illegible]
et [illegible] et [illegible] plenius [illegible] [illegible] [illegible] ubi
[illegible] [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] est [illegible] [illegible] Ita
[illegible] [illegible] [illegible] et [illegible] et
[illegible] alle. et que [illegible] et no [illegible] et [illegible]
[illegible] ad [illegible] et in cle. i. de [illegible] et [illegible] et [illegible]
[illegible] que non [illegible] sibi [illegible]
de [illegible] in [illegible] et in [illegible]
[illegible] et [illegible] de [illegible] de [illegible]
ne [illegible] de [illegible] et [illegible] de [illegible]
[illegible] et [illegible] [illegible]
[illegible] de [illegible] et [illegible]
[illegible] est.

215 Item [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
est [illegible] et in c. i. et [illegible] de [illegible] li. vi

214 Item [illegible] et [illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] de [illegible]
[illegible] [illegible] [illegible] et no [illegible]
[illegible] [illegible] li. vi [illegible] alle[illegible] [illegible] et no [illegible]
de [illegible] et [illegible] et [illegible]

216 Item [illegible] [illegible] [illegible]
[illegible] [illegible] de [illegible] ad [illegible]
de [illegible] et [illegible] et que [illegible] et [illegible] de [illegible]
[illegible] [illegible] de [illegible]
[illegible] et [illegible] de [illegible] li. vi [illegible] et [illegible]

211 Item [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
illa no [illegible] de [illegible] li. vi [illegible]
[illegible] de [illegible] de [illegible] et ubi [illegible]
[illegible] [illegible] de [illegible] et
[illegible] de [illegible] [illegible] et [illegible]

55

78

83

100

de pre[illegible] li[illegible] [illegible] in Sebricam et dictum ibidem pauper quod referret ad omnia beneficia
qualitercumque aput pre[illegible] [illegible] beneficia [illegible] aliud est dicere beneficia
[illegible] apud pre[illegible] [illegible] et aliud [illegible] predi[illegible] apostolicis [illegible] et [illegible]
[illegible] notatur

Item si [illegible] ex duobus litteris [illegible] expectatis et [illegible] duas [illegible] per [illegible] [illegible] 18
[illegible] facit [illegible] alterius et facit si [illegible] [illegible] alterius [illegible] beneficio
[illegible] [illegible] diligentiam [illegible] omnis [illegible] debet [illegible]
[illegible] [illegible] [illegible] de [illegible] et de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et de duobus de [illegible] [illegible]

Item si [illegible] et [illegible] [illegible] possessor [illegible] [illegible] [illegible] 17
ad [illegible] [illegible] [illegible] petitorio [illegible] ob sibi possessor [illegible] litis [illegible]
[illegible] possessor [illegible] [illegible] fuit spoliatus mandans [illegible] quod [illegible]
possessor est [illegible] eodem spoliatus [illegible] [illegible] de [illegible] [illegible] de [illegible]
[illegible] [illegible] ad [illegible] de [illegible] [illegible] et [illegible] debent [illegible] suos
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] spoliatus non [illegible] possessionem et fructus [illegible]
quos [illegible] ad petitorium [illegible] [illegible] possessorium [illegible] suos
[illegible] obtinuisset [illegible] [illegible] [illegible] de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] spoliati et eidem spoliatus
[illegible] [illegible] de [illegible] [illegible] possessionem et [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] quod [illegible] [illegible] [illegible]
et quod [illegible] adversarius non [illegible] [illegible] [illegible] non [illegible] [illegible] non [illegible]
de [illegible] [illegible] et de [illegible] [illegible] [illegible] et [illegible] [illegible] non [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] lata [illegible]
[illegible] in [illegible] et ille [illegible] lata fuit [illegible] [illegible] utriusque possessionem
beneficii fructus [illegible] [illegible] fuit [illegible] [illegible] possessor [illegible]
non [illegible] possit [illegible] [illegible] [illegible] [illegible] attemptati et [illegible] [illegible]
et maior [illegible] quod [illegible] litis [illegible] in petitorio [illegible] pendente nichil debet
innovari [illegible] litis pendente in [illegible] et in [illegible] [illegible] [illegible] intrant
possessionem [illegible] [illegible] [illegible] [illegible] in petitorio debet succumbere [illegible]
in [illegible] [illegible] [illegible] placuit [illegible] [illegible] et de [illegible] [illegible] qui [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] possit [illegible] [illegible] quod [illegible] [illegible] et statim [illegible] ibi [illegible]
[illegible] [illegible] [illegible] [illegible] et ibi [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] statim [illegible] [illegible] spoliatus non [illegible] non [illegible] [illegible] attemptatis
[illegible] [illegible] [illegible] [illegible] legibus et [illegible] Nam [illegible] possit
[illegible] [illegible] attemptatis [illegible] possessionem beneficii [illegible] nichil est attemptatum

103

152

421

180

tra p(re)d(ic)t(a). et sic attemptando nec p(ro)bat ut p(re)dicto q(uo)d ad p(re)d(ic)ta [illegible] q(uod)
ad se trahet possessionem [illegible] impetitor obtineat et ea p(er)s. et p(re)d(ic)ta cum d(ic)to [illegible]
nullum p(re)iudicium sit [illegible] i(n) petitorio et s(ic) n(on) obstat eadem ut lite pendente
q(uod) loco [illegible] q(uod) lite pendente aliquid i(n) p(re)iudicium [illegible] attemptatur ut no(n) [illegible]
p(er) [illegible] no(n) obs(tat) si dica(tur) [illegible] magnum p(re)iudicium sit [illegible] p(ro)pulsio(n)e
a possessio(n)e que multa [illegible] commoda [illegible] ad [illegible]
q(uod) [illegible] si sibi [illegible] possessionem [illegible] sibi competit alia [illegible]
[illegible] sed no(n) [illegible] q(uo)d alia remedia ordinaria et no(n) [illegible]
[illegible]

421

X 80 Item [illegible]

[illegible]

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pro expressione sub bulla predicta apostolica cum fuit dubitatum littera con-
tra eum sit citatus et non comparens posset procedi predictam [illegible] dicta
citatio legitima aliquo et procurator maior pro deliberacione responsionis affirmative
[illegible] quo petendo citatus extitit et per executorem apostolicum
sententia contracta fuit pro dicto et [illegible] citacione in puncto debet suffi-
cere. ac tamen multis de [illegible] in sibi [illegible] decanus et capitulo quibus
et eorum [illegible] alios in quo dicta fuit citacio fuisset legitime citati et non
comparuissent et procedendum [illegible] et lata [illegible] fuisset pro eo
et eorum. dicto decano et capitulo illa [illegible] prouidisset de beneficiis
[illegible] et [illegible] citato et apostolicis [illegible] agi non [illegible]
[illegible] quia fuit [illegible] apostolicis [illegible]
et [illegible] fuit et [illegible] attento igitur [illegible] prouidisset [illegible]
[illegible] decanus et capitulum. lata [illegible] ut [illegible]
[illegible] et [illegible] fieri [illegible] dicebat [illegible]
[illegible] procedi [illegible] citatus et apostolicis [illegible]
[illegible] auditor de [illegible]
[illegible] si executor citacionibus [illegible] procedi [illegible]
[illegible] si mandatum fuisset sibi [illegible] citaret [illegible]
[illegible] beneficiorum [illegible] sibi [illegible]
[illegible] auditor [illegible]
[illegible] citacionis [illegible]
[illegible] auditor [illegible]
[illegible] citacionis sub bulla [illegible]
[illegible] citacio [illegible] expresse [illegible]
[illegible] et [illegible]
[illegible] sub bulla [illegible]
[illegible] citacionis [illegible] executoris citacionibus
[illegible] mandati [illegible]
[illegible] mandati [illegible] sibi [illegible]
citacionis [illegible] sibi mandabatur [illegible]
[illegible] citacio [illegible].
Nec quod [illegible] probabiliter [illegible] iudicem [illegible] in iudicibus
[illegible] et [illegible]
et [illegible] locorum distanciam
et [illegible] et [illegible] beneficia
collata [illegible] debere fieri
[illegible] et citacionem [illegible] apostolicis sub bulla [illegible] executoris
[illegible] citacionis [illegible] citari [illegible] auditor [illegible]

fecit alequaliter [illegible] in [illegible] [illegible] dicit quod li. et arg. de
de [illegible] c. i. et in [illegible] quod [illegible] de app. [illegible] citare [illegible]
[illegible] et [illegible] citam talis citatio [illegible] [illegible] [illegible]
ita quod [illegible] qui [illegible] [illegible] potest [illegible] ad eam si volet
et [illegible] qui [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
de [illegible] ubi de hac materia plene [illegible] [illegible] de app. [illegible]
in [illegible] [illegible] c. i. de [illegible] qui [illegible] citat [illegible] [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] allegata
[illegible] [illegible] [illegible] [illegible] alle. ubi arguit glo.
[illegible] [illegible] judex possit citare [illegible] [illegible] sub [illegible]
generali [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] quod judex
[illegible] citare [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

281 [illegible]

[illegible]

aliquibus [illegible] et in defensore [illegible] tenetur tamen [illegible]
[illegible]
[illegible]
[illegible]
[illegible] admittitur [illegible]
[illegible]
[illegible]
[illegible] audiendus
[illegible] agatur [illegible] ad [illegible]
[illegible] sicut procurator posset
[illegible]
[illegible] 424
[illegible]
[illegible]
[illegible] admittitur [illegible]
[illegible]

429

Item [illegible] et capitulum [illegible] 282
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] posset [illegible]
[illegible] 430
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 182
[illegible]
[illegible]
[illegible] 431
[illegible]
[illegible]
[illegible]

de textu glo. in c. Romana li. [illegible] suspendit effectus et operatur aliquas penas ut
ff. de iuris. l. i. et de [illegible] quod beneficium [illegible] in prima operatur quia sententia [illegible]
[illegible] operationem ut in c. pastoralis de app. et ibi [illegible] prima ac etiam [illegible]
non fuit [illegible] quedam operatur [illegible] quia [illegible] effectum [illegible]
[illegible] non prima in c. de app. [illegible] [illegible]
[illegible] et [illegible] quam [illegible] appellatio [illegible] de [illegible] in [illegible]
que incipit [illegible] si committatur [illegible] restitutione

283 Item fuit dubitatum utrum sententia lata super [illegible] appellationis [illegible] cognoscenti
[illegible] aliquis [illegible] habet vim diffinitive [illegible] et fuit [illegible] quod non [illegible]
licet id sit [illegible] lata super [illegible] appellationis habet vim diffinitive [illegible] et
[illegible] non [illegible] a [illegible] de app. et [illegible] de [illegible] id non [illegible]
[illegible] lata super [illegible] appellationis [illegible] cognoscenti [illegible]
lata non [illegible] est quod [illegible] super [illegible] vel [illegible]
[illegible] nihil restat ad cognoscendum [illegible] [illegible] de [illegible]
et [illegible] restat [illegible] vel videtur
[illegible] restat ad agendum [illegible] de [illegible] pro [illegible]
[illegible] super [illegible] lata [illegible] magnos
ut in c. [illegible] et [illegible] quod non habet [illegible] quam [illegible]
ad [illegible] sit [illegible] de app. [illegible] et [illegible]
[illegible] et [illegible] et in [illegible] fuit [illegible]

284 Item [illegible] conferri [illegible] ad acceptandum beneficium [illegible] valoris [illegible]
[illegible] et [illegible] acceptet beneficium maioris valoris et [illegible]
possessionem [illegible] et [illegible] fructibus dicti beneficii
dicens [illegible] et [illegible] beneficium non [illegible] acceptatum [illegible] et
esse maioris valoris quam debet [illegible] debuit [illegible]
fuit [illegible] ita quod [illegible] non potest acceptare et [illegible] aliquibus
[illegible] quod [illegible] fructus [illegible] et [illegible]
[illegible] potuit [illegible] de [illegible] et de [illegible]
[illegible] acceptans [illegible] quod beneficium
sibi non debitum [illegible] et aliud sibi debitum acceptavit ut [illegible] et [illegible]
[illegible] et [illegible] de [illegible] et [illegible] acceptando [illegible] quod [illegible]
[illegible] ratificasse [illegible]
[illegible] ut [illegible] et non [illegible] et
[illegible] et [illegible] de arbitris [illegible]
[illegible] non [illegible] et [illegible]
et [illegible] beneficium maioris
valoris acceptasse et [illegible] sive [illegible] [illegible]
et ratificavit [illegible] fructibus beneficii [illegible]
que tacita ratihabitio sufficit [illegible] ut non [illegible] diliget
et [illegible] et [illegible] et [illegible] de [illegible]
[illegible] tacite [illegible]

[illegible]

286

[illegible]

435

Item quod [illegible] 287

[illegible]

391

[illegible]

de iudi

391

[illegible] 288

[illegible]

Item si [illegible] 289

[illegible] 9

[illegible]

166

Item quod [illegible] 290

[illegible]

167

Item quod [illegible] 291

[illegible]

porugtik nák, 151

[illegible]

452 cod.

453

292

[illegible]

[illegible — 5 lines, continuation of preceding paragraph]

454 — Item si quando [illegible — paragraph of c. 18 lines] — 293

455 — Item si [illegible — paragraph of c. 22 lines] — 294

de solucione

p[ro]p[ri]a xxi

~~179~~

307

181

Item [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

cod. 1 zk. 28

De[cisi]o p[ri]ma in ordine [illegible] folio

307

Item [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Decisio xii in ordine

Item [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Decisio xvi in ordine

Item [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

decisio 71 [illegible]

191

Item an dicatur [illegible] appellatio [illegible] et [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

decisio 64

193

Item quo ad revocationem [illegible] littere [illegible] appellatio [illegible] non sufficit [illegible] vel [illegible] [illegible] [illegible] mandata [illegible] dolo [illegible] [illegible] [illegible] littere [illegible]

~~[illegible]~~

119 [illegible] 119

Item [illegible] sigillo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

296

Item [illegible] feudi [illegible] [illegible] [illegible] vasallos [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

201

297

Item [illegible] feudi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

202

180 182

[illegible]

~~448~~ 336

[illegible]

~~492~~

[illegible]

298 35

[illegible]

ad arbitrium judicis. Item conclusum fuit quod Stephanus sit collatio causa quod pendere super et de plano ac sola facti veritate inspecta et lite non contestata procedi debet, modo procedi ut in causis beneficialibus super quibus [illegible] distinctione de [illegible] vel absentia [illegible] amota sit non collatio causa Stephani super et de plano et quod sola facti veritate inspecta procedatur tamen super procedi summarie super et de plano est ob [illegible] tamen pallacii [illegible] forma servari [illegible] observando et nullo abbreviando sit non procedatur quod lite non contestata vel abbreviatis procedatur tamen ob [illegible] causa Stephani sit [illegible] observantur sit abbreviantur ad arbitrium judicis. Sit non utraque [illegible] quod sola facti veritate inspecta et lite non contestata [illegible] tamen ob [illegible] ut in processu [illegible] observantur [illegible] abbreviantur ad arbitrium judicis quod ordinatum fuit sedis Rome anno domini m°cccc°lxxxviii [illegible] Januarii pontificatus domini Urbani pape sexti anno primo.

Item quero utrum judex possit citare [illegible] titulo de [illegible]. Distingue aut loquimur de judice generali ut de [illegible] vel [illegible] et tunc aut [illegible] aut non [illegible] citatio debet [illegible] titulo de [illegible] tenetur [illegible] de rapto [illegible] citatio ut [illegible] non sit ad [illegible] vel ad [illegible] de [illegible] non [illegible] non est [illegible]. [illegible] vero aut de judice [illegible] ut [illegible] quo vel [illegible] vel [illegible] citatio [illegible] ut [illegible] citatio [illegible] sit ut [illegible] procedatur super [illegible] ut [illegible] non [illegible] de dolo [illegible] citatio [illegible] ut procedatur [illegible] in forma [illegible] de [illegible] casu distingue aut [illegible] et tunc citatio citatio non [illegible] in loco [illegible] quod [illegible] ut [illegible] judex [illegible] et tunc ut [illegible] citatio ut [illegible] loco [illegible] judices [illegible] citatio [illegible] judice [illegible] ad [illegible] judices [illegible] sit [illegible] quod [illegible] fuit [illegible] de [illegible] de fo. [illegible]

Item [illegible] spoliato agenti [illegible] restitutio ad [illegible] beneficium [illegible] satisfacere [illegible] et [illegible] spoliator [illegible] non [illegible] et non [illegible] et [illegible] non procedit [illegible] casu [illegible] absolutoria [illegible] possessio quod possidentem et spoliatum ut [illegible] spoliatum in [illegible] si velit spoliatus [illegible] vel [illegible] petitori [illegible] non [illegible] vel [illegible] satisfacere possidenti [illegible] exceptione [illegible] [illegible] et [illegible] si velit [illegible] petitorio procedat [illegible] spoliatus quod [illegible] plene et integraliter restitutus et [illegible] spoliantes ut [illegible] et si et [illegible] non [illegible] causa non [illegible] non erat [illegible]

Item si per [illegible] procedi [illegible] littera [illegible] possessio [illegible] et [illegible] suis [illegible] filio [illegible] alias [illegible] dicto [illegible] filio [illegible] per [illegible] non [illegible] de [illegible] et [illegible] de donatione et [illegible] [illegible] non [illegible] de [illegible] fuit [illegible] [illegible] dubitabatur [illegible] et possessio

Sanctissimus in Christo pater et dominus noster dominus Johannes divina providentia
papa XXIII vestigiis predecessorum suorum inherendo in crastinum sue
assumptionis videlicet XV kalendas Junii Anno domini Millesimo Quadringentesimo
decimo fecit constituit et ordinavit reservationes et constitutiones et
regulas subscriptas quas durante suo tempore observari et quas
publicari voluit in Cancellaria et audientia litterarum per Johannem episcopum
Ostiensem sancte Romane ecclesie Cardinalem et eiusdem ecclesie vicecancellarium

In primis fecit similes reservationes illis que in constitutione domini Benedicti
pape XII que incipit Ad regimen continentur videlicet de prelaturis dignitatibus
et beneficiis ibi contentis vacaverint

Item eadem die idem dominus noster declaravit omnes canonicatus et prebendas dignitates
personatus administrationes et officia ceteraque beneficia ecclesiastica secularia et
regularia cum cura et sine cura per felicis recordationis dominum Alexandrum
papam quintum predecessorem suum reservata et que vacabant tempore obitus
eiusdem predecessoris remansisse et remanere per huiusmodi reservationem et
decreto affecta nullumque de illis preter Romanum pontificem potuisse
sive posse disponere quoquomodo

Item reservavit generaliter omnes dignitates maiores in Cathedralibus post pontificales
et principales in Collegiatis ecclesiis ac prioratus et preposituras tanquam
regulares ordinum quorumcumque et quecumque beneficia que sui et sancte Romane
ecclesie Cardinalium familiares etiam continui commensales obtinent et
imposterum obtinebunt quando reservatione beneficiorum familiarium huiusmodi
voluit uti

Item VIII kalendas Junii pontificatus sui anno primo cassavit et irritavit ac
cassas et irritas decrevit omnes gratias expectativas quibuscumque personis
per felicis recordationis dominum Alexandrum papam quintum predecessorem suum
factas quarum vigore seu pretextu nondum erat provisum dictis personis
licet per eas seu earum virtute beneficia ecclesiastica forsan acceptassent vel non
acceptassent

Item eadem die revocavit omnes uniones quascumque auctoritate factas que non
sunt sortite effectum

Item in kalendis pontificatus sui anno primo reservavit omnes canonicatus et prebendas
dignitates personatus et officia ceteraque beneficia ecclesiastica secularia et regularia
cum cura et sine cura in urbe et eius districtu ac Civitate Bononiensi
et comitatu eiusdem et aliis terris in quibus idem dominus noster ante assumptionem
suam ad summi apostolatus apicem officio legationis fungebatur in Civitate
Ariminensi et Comitatu Venetum consistentia ubicumque vacantia et imposterum
vacatura

In primis voluit et ordinavit idem dominus noster Johannes papa XXIII quod regule
et ordinationes dominorum Johannis XXII Benedicti XII Clementis VI Urbani V^ti

et Gregorij XI predecessorum suorum in Cancellaria Romana edite generalibus modificationibus et declarationibus super hiis et aliis regulis per eum factis et fiendis

Item voluit et ordinavit quod quando aliqua supplicatio sive petitiones sive in rotulo signata fuit per eum per simpliciter fiat sive supplicatis fuit ordinarius sive non si sit gratia expectativa non detur per datam signature nisi unum beneficium et una collatio etiam si plura petat si vero sit de beneficio vacanti tunc per datam signature non detur nisi unus modus vacationis et etiam si specialiter reservatum fuit

Item voluit et ordinavit quod quando aliqua supplicatio sive petitiones sive in rotulo signata fuit per eum per fiat ut petitur si sit gratia expectativa tunc voluit quod in Ytalia veniat duo beneficia et due collationes ita quod supplicans vigore gratie huiusmodi non possit habere nisi canonicatum et prebendam in sola ecclesia kathedrali et si in ea petat et aliud extra Et in Alamania Bohemia Polonia et in partibus Gallicanis et etiam in Anglia et Yspania unum beneficium et una collatio tantum etiam si plura peterent et si huiusmodi supplicatio de beneficio vacanti existat non habebitur modus et vacationis quas petit supponitur et clausulas aut alias vacationis et [illegible] quoniam et signaturis alia quovis modo vacet si petat etiam si dispositioni apostolice specialiter reservatum existat et si duo vel plura petat beneficia in eadem supplicatione per fiat ut petitur non detur nisi unum beneficium quod supplicans duxerit eligendum voluit tamen quod si duo vel plura beneficia per [illegible] valorem [illegible] plenius exprimitur in eadem supplicatione et non excedat [illegible] quod eo casu duo seu plura beneficia dentur per fiat ut petitur et quod in ecclesia cathedrali vel collegiata veniat canonicatus et prebenda et dignitates personatus administrationes vel officium si petatur prout inferius de graduatis et non graduatis impetrantibus in cathedralibus etc. ordinabitur

Item voluit et ordinavit quod quando aliqua supplicatio signata fuit per fiat ut petitur et dispensationem quod tunc dispensatio detur et alia petita [illegible] tamen aliis regulis non contrarientur et si supplicatio huiusmodi signata fuit per fiat ut petitur de omnibus que tunc omnia petita veniat excepta dispensatione si petatur etiam nisi velit quod per quamcunque signaturam dispensatio petita veniat nisi expressa mentio fiat in signatura de eadem vel nisi [illegible] tamen contineret aliquam dispensationem gratia huiusmodi etiam clausulas que [illegible] vel alias [illegible] de aliquo sine dispensatione [illegible]

Item voluit et ordinavit quod si in aliquo rotulo gratie expectative [illegible] de aliquo vel de eo signato vel signando aliquo supplicatio de beneficio vacanti vel de aliquo alias quam de gratiis expectativis et dignitates conventuales reperiatur quod omnis per signaturam generalem rotuli intelligatur esse signata vel concessa et littere expediatur super eadem

Item voluit et ordinavit quod in quibuscunque gratiis expectativis [illegible] expediatur

Dignitates maiores in Cathedralibus post pontificales et in collegiatis ecclesiis
principales et in regularibus prioratus et dignitates conventuales etc.
si sic fiat ut petitur et etc. si constiterit quod nulla de omnibus premissis fuerit
nisi idem dominus noster dicat in signatura fiat ut petitur etc. de maiori
dignitate vel principali aut conventuali

Item voluit et ordinavit quod in partibus gallicanis sic provideatur quod
magistris et licentiatis ac Baccalariis formatis in Theologia et doctoribus
in iure Canonico vel Civili ad unum beneficium cuiuscumque taxe fuerit
vel de Canonicatu sub expectatione prebende ac dignitatis personatus vel officii in
Cathedrali vel Collegiata Ecclesia si petat prout tamen in dispositione super hac
conferendis danda etc. si plura petantur. Et in anglia voluit quod magistri
doctores licentiati et Baccalarii habeant si cum cura sexaginta et si sine
cura fuerit quadraginta marcarum sterlingorum secundum taxationem decime
et etc. si petat habeat Canonicatus et prebendas etc. ut offertur

Item quod magistri in medicina et in iure canonico vel Civili licentiati habeant
in beneficiis secularibus in partibus et locis Gallicanis in quibus antiqua
taxatio decime ad medietatem eiusdem taxationis est reducta si cum cura
Octuaginta si vero sine cura sexaginta et in locis non reductis si cum cura
centum viginti et sine cura fuerit Octuaginta librarum Turonensium parvorum secundum
taxationem decime

Item quod in Theologia non formati ac in iure Canonico vel Civili Baccalarii
ac in medicina licentiati et in artibus magistri habeant in locis reductis
si cum cura sexaginta et si sine cura quadraginta et in non reductis si
cum cura centum et si sine cura fuerit septuaginta librarum etc. ut supra

Item quod ceteri scolares habeant in locis reductis si cum cura quadraginta si
sine cura triginta et in non reductis si cum cura sexaginta et si sine
cura quadraginta librarum etc.

Item regulares habeant in reductis sexaginta et in non reductis octuaginta
librarum Turonensium parvorum secundum taxationem decime etc.

Item quod in Almania ac Scotia et ybernia dentur scolaribus non graduatis
si cum cura viginti quinque et si sine cura fuerit decem et octo marcarum argenti
et regularibus triginta marcarum In anglia etc. in yspania cum cura
sexaginta et sine cura triginta marcarum

Item in Italia dentur sexaginta florenorum cum cura et xl^ta sine cura

Item si in forma pauperum dentur in locis reductis si cum cura triginta
et sine cura viginti quinque et in non reductis si cum cura quinquaginta
et si sine cura triginta florenorum et In yspania et arragonia si cum
cura quadraginta et si sine cura viginti quinque librarum In alamania
sicut cum cura viginti et si sine cura quindecim marcarum In anglia [illegible]

cum cura Anglia et si sine cura decem marcharum

Item quod graduati modo forma habeant duas tres et taxa quae excedit
xx libras in alamania marcas argenti et in Anglia et Scotia et hibernia
sterlingorum intelligatur ad supradictas taxas

Item voluit et ordinavit quod nulli in rotulis gratiarum comprehensi cum datis
ordinatas habentibus praeferantur aliquorum tamen sui parte

Item voluit et ordinavit quod in partibus Gallicanis in quibus ...
expectativas nulli dentur ad canonicatus et praebendas ecclesiarum cathedralium
magistris in theologia doctoribus et licentiatis in iure canonico vel civili
magistris in medicina licentiatis et bacalariis in theologia magistris in
artibus qui post septennium post magisterium in eisdem artibus receperunt
vel in theologia triennio studuerunt familiaribus domini nostri commensalibus
sedis apostolicae officialibus et cardinalium imperatoris regum et ducum
familiaribus commensalibus in rotulis eorum principalibus existentibus et
nobilibus magnis ... et ... qui petunt de
canonicatibus et canonicatus sub expectatione praebendarum in ecclesiis cathedralibus in quibus
admitti non possunt obstante ordinatione quod dentur de ... ecclesiasticis
cum cura vel sine cura si supplicationes separatae fuerint et si canonicatus et
praebenda alicuius ecclesiae cathedralis ... fuit ad collationem episcopi et capituli
singulariter de canonicatu et praebenda ecclesiae in qua petebat se admitti et
aliis graduatis dentur ad dignitates personatus et officia in ecclesiis
collegiatis si petit dignitate principali semper excepta et si suppli-
cationes signata fuit quod fiat ut petitur in aliis partibus placet dicti
domini nostri quod habeant et graduati et nobiles non graduati et
aliqui qui per triennium studuerint in sacra theologia vel iure canonico
aut civili ... in studio generali et ... comprehensi in ...
... vult tamen sub ista regula sedis apostolicae officiales
... ad ecclesias cathedrales in regnis Daciae Sueciae Norwegiae
et hibernia consistentes ...

Item voluit et ordinavit quod in dictis partibus Gallicanis dentur magistris
et licentiatis ac bacalariis formatis in theologia et doctoribus
ac licentiatis in iure et magistris in medicina et nobilibus magnis ad
dignitates personatus administrationes vel officia in ecclesiis cathedralibus
si petant ceteris vero dentur ad quaecumque beneficia et si officia in cathedralibus
vel collegiatis ecclesiis fuerint dummodo canonicatus et praebendae in cathedralibus
aut dignitates vel personatus ubicumque non possunt voluit tamen quod bac-
calarii in iure canonico vel civili in studiis generalibus Italiae facti
et in istis duabus regulis pro graduatis non reputentur

Item quod in Parisiensi Rothomagensi Turonensi ... ...

Bituricensi Narbonensi Remensi et Ambianensi in ecclesiis ad canonicatus
et prebendas cum nullus in eisdem quibuscumque expectativas valeat im-
petrare in Theologia vel medicina magistris ac doctoribus et eciam
licenciatis necnon rigorose examinatis in jure canonico vel civili ac fratribus
vel nepotibus et consanguineis germanis dominorum cardinalium et ma-
gnis nobilibus duntaxat exceptis

Item quod magistri in Theologia ac doctores et licenciati in jure canonico vel civili
ac magistri in medicina necnon licenciati ac baccalarii formati in Theologia
vel alii graduati quibuscumque obtentis in eisdem vel supplicationibus postulandis
possint quecumque beneficia compatibilia que obtinent retinere dummodo fructus
eorum in C libris turonensium parvorum non excedat et hoc in partibus Galli-
canis tantum

Item quod in Theologia non formati et magistri canonici vel civilis baccalarii
et magistri in artibus et licenciati in medicina vel alii graduati quicumque
possint quecumque beneficia compatibilia que obtinent retinere dummodo eorum
fructus C l librarum turonensium parvorum non excedat in partibus Gallicanis

Item quod alii non graduati eciam beneficia que obtinent compatibilia necnon eorum
gratiis expectativis retinere valeant dummodo eorum fructus lx libras turonensium parvorum
non excedat in partibus Gallicanis. Voluit tamen idem dominus noster quod qui ha-
bebit quecumque beneficia vel ultra quam gratiam expectativam ad unum beneficium
aut unum vacans vel certo modo vacaturum aut plura impetrare [illegible]
[illegible] dimittere [illegible] beneficia [illegible] habitus quot beneficia assequentur
[illegible] litteras apostolicas et [illegible] apostolicis [illegible]
auditoribus et [illegible] duntaxat exceptis etiam si infra [illegible]
supra declaratas comprehenderentur nisi in regnis Sicilie et
Trinacrie et in provinciis beati Petri in Tuscia et Marchie An-
conitane ac in Urbe ac eius districtu

Item quod obtinentes beneficia quorum fructus [illegible] librarum turonensium
[illegible] taxationem [illegible] vel [illegible] estimationem non excedat [illegible]
[illegible] valeat impetrare [illegible] dimittere tenentur
et eciam non habentes possessionem beneficiorum in quibus se asserunt ius
habere in re vel ad rem illorum et eciam eorum super quibus se asserunt
litigare cuiuscumque valoris seu taxe existat possit in eadem forma
impetrare et illorum non teneantur exprimere fructus si mencionem asseren-
tes ea dimittant

Item voluit et ordinavit quod in cathedralibus ecclesiis non admittantur ad
canonicatus et prebendas ac dignitates personatus et officia non legitime
nati dispensationibus super hoc obtentis vel obtinendis non obstantibus quibuscumque

Item quod in dispensationibus super defectu natalium quod dum quis cum eo super defectu natalium
obtinere dignitates in cathedralibus et in collegiatis ecclesiis etiam si curate
esse si signetur quod fiat ut petitur et si signetur fiat et de dignitate
curata non veniat dignitas maior post pontificalem in cathedrali nec principalis
in collegiata nisi idem dominus noster in signatura expresserit de maiori et principali
et impetrans esse nobilis magister vel magister in sacra theologia aut
doctor in iure canonico vel civili aut licentiatus in regali [illegible] in
[illegible] antedictis etiam aut veniat petita impetranti

Item licet eos concessum esse quod non dum cum eis super aut [illegible]
in dispensationibus apostolicis super defectu natalium quod impetrantes dicte
non teneantur facere mentionem de huiusmodi defectu in quibuscumque gratiis beneficialibus
quod eos impetrare contigerit nichilominus teneantur facere mentionem de ipso defectu in gratiis
quod eos impetrare beneficialibus quibuscumque alioquin ipse gratie sint nulle
magistros non voluit includi magistros in sacra theologia doctores in iure canonico
vel civili aut eorum [illegible] in regere [illegible] licentiatos et regum
vel principum filios vel nepotes

Item voluit et ordinavit quod quando signabit aliqua supplicatio quod fiat et dispensetur
vel quod fiat ut petitur et dispensatio quod dum quis [illegible] intendit
[illegible] cum aliquo de pontificalem etiam cum alia curata etiam vel dignitate
maiori post pontificalem in cathedrali vel metropolitana aut principali
in collegiata etiam vel maiore cum maiore aut principali vel [illegible]
[illegible] cum aliis [illegible] valeat ad tempus vel [illegible] [illegible]
in signatura [illegible] quod [illegible] magistris in sacra theologia
doctoribus in iure canonico vel civili aut in aliqua huiusmodi [illegible]
[illegible] [illegible] licentiatis ac regum vel principum filiis et
nepotibus

Item voluit et ordinavit quod omnes et singule gratie expectativas impetrantes
in gratiis earum [illegible] sine huiusmodi gratie [illegible] vel in rotulis signate sunt
exprimat beneficia que obtinet in ipse alioquin gratie ipse sunt nulle

Item voluit et ordinavit quod in quibuscumque supplicationibus gratiarum de beneficiis
ecclesiasticis vacantibus vel certo modo vacaturis etiam si canonicatus et prebende
vel officia [illegible] quod in quibuscumque [illegible] [illegible] et [illegible] aliorum
beneficiorum que [illegible] obtinebunt seu de quibus eis fuit provisum
vel mandatum [illegible] [illegible] valores exprimatur [illegible] [illegible] estimationem
[illegible] [illegible] [illegible] [illegible] vel nisi huiusmodi beneficia que obtinet
impetrantes [illegible] se dimissurus aut [illegible] incompatibilitatem
cum illis que impetravit simul obtinere non posset [illegible]
[illegible] in arbitrio sit impetrantis aut exprimere verum valorem
secundum communem estimationem vel [illegible] in absentia [illegible] valet [illegible]

Alioquin dictas gratias voluit esse nullas et idem etiam voluit in confirmationibus beneficialibus observari et quod fructus valor per marchas argenti vel sterlingorum seu librarum turonensium parvorum vel per florenos seu ducatos aut florenos vel uncias argenti exprimatur alias littere non expediantur et gratie huiusmodi sint nulle

Item voluit et ordinavit quod clerici quicumque impetrantes aliqua beneficia ecclesiastica curata vel non curata cathedralibus vel collegiatis ecclesiis seu monasteriis aut domibus hospitalibus vel abbatialibus aut quibuscumque aliis beneficiis [illegible] impetrantes tenentur exprimere verum valorem secundum communem estimationem tam beneficii sit [illegible] ecclesie vel monasterii aut [illegible] seu alterius beneficii cui dominus papa [illegible] debeat [illegible] huiusmodi [illegible] valorem et littere super eis non expediantur [illegible] et in talibus dispensationibus fiat commissio ad partes et mandetur [illegible] illarum quibus committetur et idem voluit observari circa impetrantes [illegible] vacantes idem [illegible]

Item voluit et ordinavit quod in omnibus litteris provisionum ecclesiarum [illegible] ita quod illi qui ad ipsas ecclesias promoventur teneantur [illegible] ecclesie [illegible] nec possit [illegible] fructus [illegible] et [illegible] nisi [illegible] et idem voluit observari quod [illegible] ecclesiis aliquibus quarum fructus valor annuus summam [illegible] florenorum auri non excedit

Item voluit et ordinavit quod si contingat aliquem petere confirmationem alicuius dispensationis compositionis vel [illegible] transactionis aut alterius [illegible] contractus [illegible] in supplicatione [illegible] si quibus in eis [illegible] quod non est [illegible] sine supplicatione aliquis [illegible] nisi [illegible] ac specialiter expressi [illegible] nisi supplicatio [illegible] quod [illegible] esset in supplicatione petitum

Item voluit et ordinavit quod nullus ingrossator gratie expectative ab apostolica sede impetrate possit acceptare beneficia [illegible] vel [illegible] apostolice [illegible] etiam si [illegible] in [illegible] quod beneficium [illegible] possit acceptare et de illo sibi [illegible] aut quod [illegible] in effectu

Item voluit et ordinavit quod [illegible] capellanus apostolice sedis [illegible] [illegible] possit [illegible] expresse [illegible] omnibus [illegible] valeret vel [illegible]

Item voluit et ordinavit quod si aliquis [illegible] vel [illegible] appellet a [illegible] in [illegible] curia pendentibus et asserat se [illegible] partis [illegible] interponitur appellatio [illegible]

de sufficienti mandato ad appellandum si in presentatione deficiat. Itaque de
huiusmodi mandato sufficienter doceri non possit, Auditor huiusmodi appellationis
huiusmodi appellationem ipsam esse si quis contra appellaverit eandem appellationem
per magistrum ... habeat terminum [illegible] committat aut ipsum [illegible]
procuratoris officii in palatio apostolico competens vel ad aliquod tempus
temporis sicut ei videbitur repellat seu amoveat in vigintiquinque florenis
vel minori summa ... auri et ... usus
quorum medietas in usus Capelle auditorum sacri palatii et
alia medietas in usus pauperum convertatur appellatione remota

A summatur

Item voluit et ordinavit quod si quem ex litigantibus in Romana Curia
super quocumque beneficio ecclesiastico aut dignitate vel personatu seu officio clericum
matrimonium contrahere vel religionem intrare vel aliquis alius
casus ei contingat per quem ius illi competens in tali beneficio dignitate
personatu vel officio vacet aut vacare censeatur et alius litigans in
[illegible] aut surrogari mandetur Auditor datus ad causam eandem
[illegible] prius in ea vel ad provisionem surrogati vel surrogandi procedat
quod ... docuerit per apostolicas vel alias autenticas litteras de ipsius beneficii
collatoris collatione sibi facta seu saltem de ... titulo aut aliter
[illegible] quod ... ... malicie nec fraudulenter ... et ba...
verisimilibus conjecturis quibus tamen ad predictam surrogationem procedat
idem auditor ... mediate Aliqui voluit idem dominus noster predictam
surrogationem et commissionem et quecumque inde secuta nullius existere
roboris vel momenti et ... voluit ad quascumque causas et
litigia in predicta Curia ... per appellationem ... ...

Item voluit et ordinavit quod omnes supplicationes beneficiales ... ...
in rotulis per quibuscumque personis que capellanos secretarios officiales
seu familiares cardinalium regum ducum ... principum seu aliorum
quorumcumque in eorum petitionibus si nominat seu scribunt hactenus sibi
... et ... ...
vel dicte supplicationis huiusmodi et per dominum ... ante veri capellani secretarii
officiarii seu familiares aliorum quorum nomine huiusmodi supplicationes fac...
... vel ... fuerint et ... ... fuerint
sint nulle

Item voluit et ordinavit quod quando accepte collationes provisiones ...
institutiones vel electiones quorumcumque beneficiorum confirmabit seu confirmari
mandabit aut impedimenta tollet vel mandabit tolli ... seu
... valere ... ... et si impedimenta huiusmodi ... ...

Dicto [illegible]

[illegible]

[illegible]
i libro m[illegible]
[illegible]
[illegible]

[illegible] q[illegible]
[illegible]
[illegible] 929 [illegible]
[illegible]
[illegible] 940.
[illegible]
[illegible] et 942
[illegible] 948 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
983 [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

semper addatur in litteris confirmationum clausula licet littere dudum impetrate non
fuissent antea expedite prout in litteris surrogationum addi consuevit

Item quod si in aliqua supplicatione de beneficio vacante vel certo modo vacaturo
petatur data anterior quam collationis dat(e) ipsa petita veniat nisi ipse
dominus noster in signatura manu sua propria ponat fiat sub data petita et quod super
supplicationibus et rotulis gratiarum expectativarum in quibus idem dominus
noster scribet et sub data consueta non expediatur littere nisi dicte in eisdem
supplicationibus et rotulis hoc expresse data fuit quod ipse dominus noster
voluit quod datarum

Item voluit et ordinavit quod littere super petitionibus per eum signatis aut per
concessionem in quibus data non est posita non expediatur nisi sub data
currenti illa die qua in cancellaria porrigetur

Item voluit et ordinavit quod per concessionem non veniat nec concedi nisi dicat
concessum ut petitur presente domino nostro papa fiat

Item voluit et ordinavit quod si in aliqua supplicatione petatur aliquod beneficium
de iure patronatus laicorum aut etiam etiam si de iure patronatus laicorum constiterit
tractatur quod littere sedis apostolice super ipsa petitione vel illa etiam collationis expe-
diatur nisi ponatur expresse in eisdem litteris quod tale beneficium tanto tempore vacavit
quod eius collatio est ad sedem apostolicam legittime devoluta vel nisi dominus
noster signaverit etiam si de iure patronatus laicorum constiterit etiam si fuerit
dispensatum

Item voluit et ordinavit quod in aliqua supplicatione petitur aliquod beneficium
per obitum vel aliud nisi inveniatur in cancellaria exprimatur quod littere super
tali supplicatione nullatenus expediantur sed ipsa gratia sit nulla

Item voluit et ordinavit quod in litteris apostolicis gratiosis super gratiis
beneficialibus in quibus petitur quod in beneficio super quo litigatur quondam
alicui seu alteri eorum ius competebat surrogetur tunc tempore dicte petitionis
non sit in eo alicui specialiter ius quesitum

Item voluit et ordinavit quod si contingat aliquem quondam aut etiam quondam
alicui de certo beneficio tunc vacante per illud vacare[?] apud dominum nostrum
fuit infra tempus debitum acceptatum de quo erat sibi provisum ut in gratia sua
vel illud sibi ordinaria vel quibus auctoritate fuit collatum et eadem die de illo
providerit vel concedat alteri quod ille qui dictum beneficium acceptaverit
vel alias obtinebat vel preferetur et nisi concessit nova provisione
alteri preferatur illud petere sibi simpliciter conferri Item voluit quod
si quis surrogat vel surrogari aliquem colitigantibus in iure
seu ad ius quod competebat alteri quod ille preferatur alteri ne contingeret

petere in data concurrerent et eciam in gracia si neutri sed conlitiganti concurrentes tunc non litiganti

Item voluit et ordinavit quod quicumque vigore graciarum expectativarum acceperint quecumque beneficia ecclesiastica secularia vel regularia cum cura vel sine cura etiam si canonicatus et prebende aut dignitates personatus vel officia seu administraciones fuerint teneantur et debeant infra unius mensis spacium a tempore huiusmodi acceptacionis computandum de huiusmodi beneficiis per eos vel procuratores acceptatis sibi per suos executores vel subexecutores facere provideri. Alioquin lapso dicto mense huiusmodi acceptaciones per eos facte et quecumque inde secuta quoad numerum et qualitatem beneficiorum que acceptaciones ipse determinarent vel determinare possent ex tunc sint cassa et irrita nulliusque roboris vel momenti et quod infra alias tres menses a tempore immediate sequentem teneantur huiusmodi acceptaciones in loco beneficii publicare alias gracia et acceptacio provisio huiusmodi sint nulle

Item voluit et ordinavit quascumque renunciaciones resignaciones cessiones et dimissiones de cetero per quoscumque quovis modo etiam ex causa permutacionis contingat ad aliquam dictarum cessionem vel eciam vacacionem de quibuscumque beneficiis ecclesiasticis secularibus vel regularibus curatis et non curatis etiam si dignitates personatus aut officia vel canonicatus et prebende seu qualiacumque existant sive simpliciter vel ex causa permutacionis aut quavis alia de causa etiam si in Romana curia vel extra in manibus quorumcumque seu quibuscumque manibus faciendas per quindecim dies ante vacacionem esse vel eam huiusmodi ad quam si quid fiat contra premissa et etiam contra eorum litteram et premonitionem huiusmodi et omnia que sequentur ex eis vel ab eis sint nulla et necessitaria et nullius roboris vel momenti Statuens quod ipse dominus noster de illis per resignacionem specialem vel generalem graciam dispensare intendit et si per eum talem dimissionem minime vacavissent

Item voluit et ordinavit quod de cetero si quis in infirmitate constitutus resignaverit aliquod beneficium sive ex causa permutacionis sive simpliciter et postea infra viginti dies de illa infirmitate decesserit talis resignacio non valeat et sit omnino irrita et ipsum beneficium censeatur vacare per obitum dicti resignantis

De potestatibus domini vicecancellarii

Item quod vicecancellarius possit concedere reservacionem in forma consueta dominis cardinalibus ad quinquaginta et prelatis et aliis personis ecclesiasticis dari consueta ad triginta et voluit quod aliquis in gracia reservacionis huiusmodi ultra duas dietas extra propriam civitatem et diocesim non trahatur

Item quod possit aggravare etiam cum invocacione auxilii brachii secularis

quorumcumque processus ante apostolicas litteras et exhibendis cum gratiis expectantibus qui eis non parentes excommunicationis et aliis penis incurrerint necnon quod possit mandare absque penis in Curia lataris etiam cum illis qui postea fuerit in beneficiis litigiosis si intruserint et committere restitutionem in integrum si et quatenus de iure et adnotare eas beneficiales et prophanas in Curia pendentes de novo prout et impetibus committere seminandas et omnia que de simplici iustitia sunt per cancellariam dari consueta committere si petuntur et signa speciali

Item quod possit recipere per se vel alium quoscumque resignationes quorumcumque beneficiorum curatorum cum benefic[iis] aliis simpliciter et ex causa permutationis vel signature valentibus et supplicationibus per permutationibus signatis et quod littere fiant sub bulla

Item quod possit absolvere per se vel alium illos qui ignoranter scriberet vel in supplicationibus nostris vel grossis bullarum seu signaturis aliquid tangeret scriberet delebit necnon posse eum absolvere quoscumque falsarios supplicationum notariorum grossarum et bullarum sibi dumtaxat sunt incidentur in excommunicationem

Item quod de defectu natalium patientibus qui ante obtentam dispensationem fuerint in forma quam examinati seu collationati aut quarumcumque gratiarum de dicta data hiusmodi dispensationis antecedentis possit dispensare super quibus eandem dare litteras de data sequenti datam dicte dispensationis ita quod littere gratiarum ex tali surreptione minime reputentur

Item quod possit dominis Cardinalibus concedere altare portatile et ante diem et in locis interdictis et eligendi confessorem et testandi et dandi fidelibus gratias centum dierum et privilegia de fructibus percipiendis per familiares

Item quod prelatis Archiepiscopis Episcopis et aliis testandi et celebrandi ante diem et in locis interdictis et per alium ecclesias et cimiteria suarum civitatum et diocesium peregrinis vel seminis effusione polluta reconciliari faciendi ad Triennium quotiens opus fuerit licentiam concedere expediens possit

Item quod possit omnibus aliis Abbatibus et ad quoscumque Cathedrales Ecclesias et Monasteria per eum dum erunt commorantes in Curia absque concedere vel ipsi a quocumque maluerint catholico Antistite munus consecrationis seu benedictionis recipere valeat vel in forma

Item quod possit eorum Receptoribus et Abbreviatoribus eandem officiis assistendo ad Triennium licentiam concedere de fructibus percipiendis

Item quod possit committere examen ad partes pro quibuscumque impetrantibus ultra dietas dictas a Curia existentibus dummodo sibi videbitur expedire nisi si de sufficientia impetrantis et Judicis informatus reperiatur

Item quod possit annis suis biennales cum non residentibus dumtaxat committere ... ferendum

Curiam seu gratie citandi ad partes absque aliquo alio speciali mandato

Item quod possit dominis Cardinalibus presentibus et futuris concedere quod possint ecclesias et capellas et alia loca ad collationes eorum spectantes in archidiaconatu et aliis beneficiis ecclesiasticis suis cum eis commendatis consistentia in quibus eis institutionis officium competit de consuetudine vel de iure usque ad triennium quod persona ydoneam quotiens ipsos institutionis contingerit instituere et presentationes indebitas in forma [illegible] recipere ut in forma non obstantibus inhibitionibus reservationibus apostolicis contrariis quibuscumque

Item die decimaseptima mensis Junii [illegible] dominus noster fecit primam apparentiam gratiarum in forma pauperum et voluit quod duraret usque ad duos menses a dicta die computandum et quod primus habeat datam quarto kalendas Junii et secundus tertio kalendas Junii et tertius pridie kalendas et sic successive etc.

In Dei nomine invocato de cuius vultu nostrum prodeat iudicium. Nos Jacobus Plocensis, Andreas
Poznaniensis Episcopi, Petrus licenciatus in decretis Scolasticus Gneznensis, succollector Camere Apostolice
in Regno Polonie et provincia Gneznensi ac collector generalis ipsius et [illegible] Cantor
et Canonicus Ecclesie Plocensis ac Arbitri Arbitratores et amicabiles compositores inter Reverendum in
Christo patrem dominum Johannem Episcopum Wladislaviensem, dominum meum, Opoliensem ab una et honorabiles dominos Nicolaum de Lu-
beraw Prepositum, Johannem de Nelbesz decanum, Johannem de Wladislavia Archidiaconum, Pomorzanum
de Grandi Cantorem, Swantoslaum Banthkowski, Petrum antiquum Archidiaconum, Johannem [illegible]
Johannem [illegible], Stanislaum de Komornici, Gerardum de Wernachow, Johannem Kropski Canonicos
et Capitulum Wladislaviense tunc capitulariter congregatos et litigantes parte ex altera, deputati concorditer et
electi, per hanc nostram arbitralem sententiam quam in scriptis ferimus arbitramur, pronunciamus,
laudamus, decernimus, declaramus et sententiamus, et primo quod prefatus Reverendus in Christo pater dominus Johannes
Episcopus Wladislaviensis tenebitur et tenetur et debet impetrare a Sede Apostolica ac suis et Capituli predicti expensis
expediendo literas obtinere perpetuam incorporationem Ecclesie collegiate sancti Michaelis in Castro Cracoviensi
cum omnibus suis fructibus, redditibus, proventibus, iuribus, dominiis, emolumentis et utilitatibus universis Canonicis
et Capitulo Wladislaviensi seu mense capitulari ad effectum et usum infrascriptum, tenebitur usque hinc
et per totum mensem Augusti anni proxime futuri predicte prepositure tali incorporate seu incorporande
realem seu pacificam ac plenam possessionem prefatis Canonicis seu Capitulo tradere et efficaciter
assignare. Item quod prepositi decani Succentores ceterique prefati et Canonici omnes et singuli
ecclesie predicte presentes quam absentes et eorum successores tenebuntur, tenebunt, debebunt et debent
personalem, realem, actualem et effectualem residenciam deinceps facere circa Ecclesiam cathedralem
iuxta modum infrascriptum, ita videlicet quod in propria domo immorabunt prefati prelati
et Canonici huiusmodi residentiam incipere tenebuntur et facere et postea eam effectualiter resedebunt ad
quod etiam faciendum eorum successores perpetuis temporibus obligamus. Cuilibetque sic
infra dictum residentibus apud Ecclesiam, cuilibet dominus Episcopus Wladislaviensis promittet seu
promitti faciet de L marcis Polonicalis monete et numeri quarum medietatem in domo quam
inhabitaverint anni primi residencie certis sed XXV marcas infra octavas Penthecostes faciet
effectualiter per eundem capituli et canonicorum presentiam et cottidianis distribucionibus ipsis
residentibus et non aliis dividendas assignare. In casu vero quo si dictus dominus Episcopus predicte
prepositure impetrare non curaret vel non posset vel dictum Capitulum in pacificam possessionem
predicte prepositure infra dictum tempus inducere non curaret, extunc ipse dominus Episcopus tenebitur et tenebit
predictis prelatis et aliis Canonicis et Capitulo seu mense eorum Castrum cum opido Woyborz
villis ac toto districtu ac plena dominio et iure ad predictum Castrum spectantibus tradere
ac eos in pacificam possessionem constituere, eosque in dicta possessione manutenere molestiis
tamdiu quousque idem dominus Episcopus vel successor suus qui pro tempore fuerit predictam
preposituram sancti Michaelis predicto Capitulo Wladislaviensi incorporare et pacificam possessionem
eis tradi ut premissum est procurabit. Quamquidem incorporacionem prepositure ac pacifica
possessione eis factis et obtentis predicti domini de Capitulo tenebuntur et debent predictum
Castrum cum opido Woyborz et suis cum pertinentiis iuribus et pertinentiis Episcopo Wladislaviensi
predicto ac suis successoribus libere resignare. Item pronunciamus, declaramus et ut supra
sentenciamus quod prelati Canonici et Capitulum Wladislaviense predicti singulis annis in generali Capitulo
ubi convenerint eligent duos et ydoneos de gremio eorum qui fructus redditus
et alia emolumenta ad mensam eorum undecumque provenerint pertinentia congregent,
percipere et exigere et pro cottidianis distribucionibus tenebuntur singulis annis de perceptis
et expositis per eos ipsi Capitulo debitam racionem reddituri. In aliis vero statuta et
consuetudines predicte Ecclesie facta et fienda presentibus non contraria quo ad predictos prelatos
observentur. Item pronunciamus ut supra quod si aliquis prelatorum vel Canonicorum ex aliqua causa
quam tunc exprimere tenebatur pro aliquo competenti tempore a residentia ipsius Ecclesie

absentare volumus teneatur petere et petat absencie a prelatis seu aliis ipsorum dicte
Ecclesie qui tempus et causas ipsius absencie secundum respectum [illegible] primus an sit iusta vel
racionalis [illegible] casus in statutis exprimitur et secundum hoc consultis aliis de gremio
Capituli quos habere poterit si iusta est huiusmodi licenciam petenti concedat vel denegat
Item volumus et ut supra quibus declaramus quod si quempiam prelatorum seu canonicorum
[illegible] presencium quia plurimorum a dicta residencia absentare contigerit ac ipsum et comparibus
in aliis locis [illegible] in Studio generali vel in Curia Romana vel circa Ecclesias sui
beneficii residere vel circa et eundem utilitatem Ecclesie Wladislaviensis vel suorum beneficiorum
seu in legacionibus sui prelati demorari contigerit sed ut si in villis Opidis vel in
aliis locis aliquis eorum sicuti per multos expertum est fieri divagandose absentaverit
talis et taliter se absentans eciam si licenciam absencie habuisset ut premittitur in uno
grosso Boemicali pro quolibet die absencie computando per prelatos Capituli puniri
debet et mulctari nec ad cottidianas distribuciones admitti debet dum ad residenciam
revenerit nisi soluta pena Ut autem prefati prelati et canonici qui pro tempore
fuerint ad residenciam continuam per quam divinus cultus in dicta Ecclesia ad augetur-
eo cicius invitentur provocati et ut supra declaramus quod si quempiam aliquem prelatorum
et canonicorum predictorum nunc existencium et qui pro tempore fuerint cedere vel decedere contin-
gerit Ecclesie omnes et singuli fructus dicte et provenientes prelature vel prebende eorum sic ce-
dencium vel decedencium sed communem mensam predicti Capituli pertinent et taliter convertatur
de quibuscumque fructibus proventibus talibus ad communem de dicto Preposito Ecclesie qui pro
tempore fuerit cui sit post pontificalem maioris dignitatis ipsorum singulis vero prelatorum
[illegible] et cuilibet canonicorum xv marcas grossorum Pragensium monete Polonicalis in corpore
beneficii pro annua provisione preter cottidianas distribuciones In Studio vero
generali prelatis et canonicis vel aliquo ipsorum stantibus et in aliqua facultate stu-
dentibus eis effectum duplum predicte taxe annualis assignabitur Residui vero fructus
proventus ultra predictas taxas prebendis talibus ut prefertur prelatis et canonicis
predictis cottidianis distribucionibus et aliis ingruentibus necessitatibus
Capituli convertantur Ita ut secundum facultates fructuum et proventuum ex predictis bene-
ficiis utilitatibus villis ac aliis obvencionibus quibuscumque ad mensam communem
Capituli quomodolibet pertinentibus prelati Capituli qui pro tempore fuerint presentibus
dumtaxat prelatis et canonicis divinis et horis misse a principio ad finem interessentibus
in ipsorum Stallis primarias alias vero refecciones in ipsorum domibus singulorum
distribuat prout in Ecclesia Wratislaviensi est consuetum preterea preceptis decimus
ut supra observandum ut prelati et canonici qui pro tempore fuerint ordinem et statutum
de celebrandis circa maius altare singulis diebus summis missis alias observare
teneantur Salvo quod cantanti summam missam media marca communis monete
pro sua septimana assignetur in dictis statutis Ecclesie expressis vel cantans vero con-
servat ~~[illegible]~~ ultimum [illegible] et singulorum premissorum predictorum correccionem declaracionem
et limitacionem nobis omnibus aut duobus ex nobis tociens quociens opus
fuerit reservamus Volumus autem quod omnia et singula predicta per utramque partem perpetuis
temporibus inviolabiliter observentur sub pena duorum milium marcarum grossorum
Pragensium medietatem pro parte servanti partem vero servatam et aliam partem
pro fabrica Ecclesie predicte convertendam

102 — 265

Item licet actor et possessor in causa beneficiali nichil probet, et reus per eum in causam tractus nichil petendo sed dando obiectus contra eum et illos non probans et postmodum renuntiando liti et cedat, pro actore possidente potest ferri sententia nichilominus absolutoria ab impedimentis mole-stationibus etc. Et super illo dicto vide repetitionem plenariam Innocentii, de probationibus c. exhibita etc. licet, et vide plenam conclusionem Bar. xx quam intelligas de reo petente suam provisionem canonizari et nichil probante, in quo casu actor et possessor etiam non probans intentionem suam debet ne-dum ab impedimentis et molestationibus, sed etiam ab impetitione ipsius rei absolvi et reus in expensis condempnari. Sed utrum in casu proposito reus veniret in expensis condempnandus, dubium erant varii nec erat protunc decisum. Aliquibus videbatur quod non deberet condempnari propter temerariam vexationem actoris qui iniuste et invitum traxit et vexavit eum ut videtur, et quia reus agnoscendo bonam fidem renuntiavit liti, ergo nichil fuit ei imputandum. Alii asserebant contrarium per illa victus victori etc. Preterea si ab initio litis renuntiasset et se in nullo opposuisset nec obiectus dedisset forte procederet dictum dominorum opinio, sed quia se opposuit et obiectus dedit in quorum probatione defecit, ergo saltem propter exceptionem oppositam et non probatam deberet condempnari in expensis, quod credo verissimum per c. fine de dolo et contumacia etc. c. statuimus de elect. li. vi. videtur textus, si iste textus loquitur in obiectu et in probatione apparet obiectum deficiente.

103 — 236

Item si prelatus locat ad certum et modicum tempus quod relinquitur arbitrio iudicantis ut lex in c. ne monasteriorum de rebus ecclesie non alienandis in glossa bona sive fructus prelature sue, valet et tenet huiusmodi locatio etiam sine auctoritate superioris et sine consensu capituli sive conventus suum per c. fi. ne prelati vices suas, et etiam per no. in c. possessiones c. prima per Io., et si prelatus eam fecit nomine suo non intendens ecclesiam obligare successor eius non tenetur stare contractui et huiusmodi loca-tionem observare, si vero nomine ecclesie et utiliter contraxisset servata debita solempnitate tene-bitur successor tunc stare et huiusmodi locationem servare de solu. c. i. et ibi per Io. an. in novella, xii q. ii hec huiusmodi prelati etc. c. precati alienare ubi de hoc, et per Io. et Archid. qui dicit quod prelatus universalis successor est, secus vero in singulari per B. et Host. in c. fi. allegato, et potest esse diversitas ratio quia in primo casu censetur personalis obligatio que finitur morte de pena c. ii de dona. li. vi et lex c. nup. ff de usu. fi. xl si vivo, Host. in summa sua ti. ne pre. vices suas, ponit aliam rationem, quia tunc beneficia sunt personalia, contractus circa illa habita personas concedentium non excedunt ut C. de prebendis, de auctoritate et usu pallii ad hec. In secundo casu censetur realis que sic durat dempsit cum venisset de translat. venies etc. de certo tamen potius presumitur personalis quam realis prout lex in no. in dicto c. cum venisset, et premissa procedunt in prelato habenti admini-strationem locante bona sue prelature et de vita solemnitate servata. Secus vero in prebendario sive simplici beneficiato, qui nunquam ultra tempus vite sue locare potest prebendam suam, licet super illa agat et defendat de procur. c. ii, et de peculio cle. c. i. de proba. exhibita et ibi per Innoc., quia ipse non habet tam liberam administrationem prebende sue, sicut prelatus de testa. relatum et c. requisisti secundum Innoc., qui hoc notat in dicto c. fi. ne prela. vices suas, et Archid. in c. hoc huiusmodi prelatura xii q. ii in fine.

104 — 203

Item quod inferior a principe non potest illegitimos legitimare quo ad successionem hereditariam, quod non ipse papa possit quantum in temporali iurisdictione sibi subiecta, prout lex et no. in c. per venerabilem qui filii sint legitimi, licet Host. teneat ibi contrarium de papa qui tenet hodie monarchiam mundi, et habet utrumque gladium de quo in c. cum quis etc. et in c. novit de iudiciis et ibi vide pulcras rationes naturales Io. de lege.

105 — 112

Item si vigore citationis decrete ad partes etiam litteris executis in causa procedatur pendente in contumaciam sic citati usque ad conclusionem vel citra, si tunc producitur provisio licet limitatum ad dictas devolutas dubitat de data post executionem facta citationis auctoritate et ipse inchoati processus valebit et tenebit quicquid factum est, sed imputet sibi quod petivit procuratorem

tempestive non misit sive produci procuravit obmisit, que omissio sive negligentia sibi nocet prout
le. et ibi ut lite non contestata c. i. non ob. predicta limitatio, que vitiatur propter premissa de speciali
mandato factam que devolvunt quod sciunt, ex quo vigore illius litere citationis citatus
fuit, et pro ea parte sua non premisso constituit, quod sufficit ut in si. ca. cum elect. de elect. et c.

Item quod non obstante publicatione testium non rite facta, possunt alii testes vel idem super eisdem
articulis produci, prout le. et no. de test. in c. e. testibus

Item si quis in causa prophana rudeat libello, et lite contestata super eo cum obstantibus exceptionibus
datis per rudentem, vel alias propter eius ineptitudinem non esset rudendum, metu coactionis
sibi illate vel comminate, et de hoc expresse protestetur, scilicet quod metu coactionis rudet et
non alias, fuit dubitatum utrum ipsum rudentem talis metus coactionis excuset, ita quod lite
contestata in premisso facta habeatur pro non facta, vel saltem sit annullanda exceptionibus obstantibus
supradictis, ad quod dubium fuit responsum distinguendo aut predictus rudens ab huiusmodi
comminationibus appellavit an non, si non appellavit infra debitum tempus licet iudex eum in
premissis gravavit sit procedendo, tenebit et valebit eius processus cum tamen contra ius litigatis
aliquid fiat et sic processit de re iudi. cum not. et c. quod ad consultationem consilibus pro sua contra
rusionem, que est facto suo contraria videtur a sua predicta protestatione recedere de constitu-
tione, de elect. cum inter ibi not. rusio enim libelli inepti valet et tenet, sicud
dicimus de rusione admittigationem, prout le. et not. in c. cum causa de iuramento calump.
licet non posset sequi condempnatio propter ineptitudinem ipsius si esset potens, secus
si latens ut in c. exacta de iudiciis, quod credendum sit libere et sine coactione vel metu
coactionis rudisset, sed quia hic propter metum iustum prout statim dicetur rudit, inito debet excu-
sari, et sua rusio in nullo nec parti sue preiudicare, quod enim que fuit per metum rata non
habentur, quod metus causa c. i. et c. abbas et c. cum dilectus ff. e. l. metum et sed quod proton. sed
ex quo non appellavit in interlocutione iudicis acquievisse maxime ultimus in causa procedende
voluerit primitiva super iis ad hoc allegata, et sic metus sive coactio, provoluta processum
purgabitur et transivit in consensum de sponsalibus ad id quod cum sciliceth. Si vero predictus
rudens, vel ante vel post suam rusionem appellasset indubitanter iudex gravasset ipsum
cum predictus metus acceptisset promittato per iudicem appellans male fuisse processum
et bene appellatum, predictus rudens ad probandum suas exceptiones rationabiles alias contra libellum
datas admissus fuisset, arguendo contrario que le. et no. in c. ut debitus de app. vo quia licet
metus iuste coactionis non excuset ut notatur per bu. et cum dilecte quod metus causa, tamen
iniusta coactio est iustus metus et excuset quecumque ut ibi dicit host. et Jo. an. et
sic loquitur glo. contra bu. posita in c. gluy iii de rest. spo. maxima enim pena est inter
homines non communicari et homini carere suffragio ut c. de apostat. hii qui statum, maxime
sine culpa, non censetur iustus metus, quia quis pro nulla re deberet velle subici
tali et tante pene, qua non est maior in ecclesia ut in canone corripiatur xxiii q.
iiii Sed cum coactio iniuste proferetur cum illa sit medicinalis debet ea coactus cum
omni humilitate et obedientia sustinere et non contempnere et ideo ipsum timere non oportebit
potissime si culpa sua non incidat in hanc penam ff. quod metus causa si mulier xxiii q.
iiii Interfecta secundum dominum egidium Ego vero contra utramque partem all. cum sua
pastor. et c. nemo contempnat xi q. iii, nam ut ibidem apparet et c. cum in c. sac. de sen.
excommunicationis sive coactio sit iusta sive iniusta semper timenda, ergo utrumque inducit
iustum timorem qui videtur excusari in utroque casu quo non videtur procedere distinctio
supradicta, ad quod posset rudere, quod licet quis coactione iustam sive iniustam
a suo pastore prolatam debeat timere et non contempnere, quod non est homo qui
ligat sed deus, ut in cau. nemo supra iis all. et ne illa medicina convertitur in venenum
et fiat mortalis ut in c. cum medicinalis, tamen propter hoc non aufertur coactio remedium
appellandi, ad hoc ut cognoscatur de iustitia vel iniustitia sive coactionis per superiorem

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ut sit sine difficultate absoluat / si est iniusta et proferens puniatur / si iusta ad suum executorem remittatur vel satisfactione premissa absoluitur ut in dicto c. sacro et c. solet et c. venerabilem et c. Romana e. ti. li. vi / de restitutione abbreviato et de officio delegati cum contingit de appellationibus quia frequenter cum pluribus / vel secundum aliquos dicti canones non procedunt in iudice delegato cuius sententia si sit iniusta non ligat nec est timenda ideo quia est nulla secundum Innocentium in dicto c. cum contingat in si / quemadmodum recitavit Archidiaconus et appareat in c. 1 de officio delegati li. vi / quorum opinionem quo ad nullitatem non credo veram / sed quo ad iniustitiam bene / et sic credo ab eo appellandum adhoc quod tollatur ut in c. sacro solutum / et c. venerabilem et aliis iuribus supra allegatis

108 Item fuit dubitatum an in actione iniuriarum civiliter intentata locum habeat lex libellorum ff. de accusationibus et inscriptionibus canonizata ii q. viii c. quod in libello et in articulis esset tanta specificatio ac si criminaliter ageretur / et videbatur prima facie quod sic / quia actio iniuriarum infamat de re iudicata cum l. cum ibi notatur / et sic odiosa / sed propter odiositatem materie puta obiectionis in personam vel formam in causis beneficialibus requiritur maxima specificatio ut in c. ut circa de electione li. vi et in clementina constitutionem e. ti. / ergo multo fortius in actione iniuriarum que videtur magis odiosa / puta si in exceptionibus criminum dictorum contra testes requiritur talis et tanta specificatio ut proferatur prout legitur et notatur in c. ex parte acte de testibus / et c. presentium li. vi quemadmodum licet probentur et propterea testes repellentur tamen propterea pena ordinaria non punitur nec infamis reputatur ut in c. cum dilectus de ordine cognitionum etc. / multo fortius videtur hoc locum habere in actione iniuriarum que infamat ut proferatur / hiis non obstantibus fuit determinatum per omnes in genere / et dictum ac conclusum in actione iniuriarum civiliter intentata talem et tantam specificationem in libello et in articulis sufficere / quod reus accusatus possit defensari et testes deponere pro quo allegabatur text. in c. cum de prima et ibi notatur per Innocentium in c. accedens de purgatione canonica / Item putavit dominus egidius etc. de omni alia actione civiliter intentata que infamat ex ydempnitate rationis / ut ff. de dolo l. exigit / et ff. de re iu. l. prator edixit in prin. et ibi bene per Bar. / Ratio enim in hiis omnibus est uniformis ne quis admittatur ad vagitudinem in distinctione fame alterius que habetur in duabus legibus prius allegatis / sed talis ac tanta specificatio non requiritur in predicta actione qualis requiritur in actione dicta criminaliter intentata / et in obiectibus contra personas electas vel eligentium vel testium / qui quidem obiectus cum non descendunt ex iure proprio dante sed deducuntur ex ipsare ad repulsam adversarii vel testium sunt magis odiosi / quia vult alios nocere et sibi non prodesse cum etiam quia ut plurimum confinguntur et ideo propter presumptionem talium statutum est tam in exacta specificatione fieri in illis ut expresse in iuribus supra allegatis / Si vero si obiectus essent de iure dante / tunc enim talis exacta specificatio non requiritur ut in cle. constitutionem / ac in casu nostro puta in actione iniuriarum civiliter intentata articuli de tali iniuria dati sunt de iure dante / Dummodo de ipsa in via agatur / quod / quia ut dicitur articulus de iure potest non solum considerentur an persona vel forma alterius aliquid impugnando initiat / sed considerantur solum an ei unde competit ius agendi vel excipiendi directe descendit a iure dante ut probat expresse cle. constitutionem in prin. supra allegatis / preterea rogo dicere intelligi quod magis directe potest ius meum respicere / quam iniuriarum / cum tamen reputetur crudelem famam suam negligentem ut xii q. ii nolo / et de accusationibus c. si / et potius debemus delectari in odore bone fame / cum male opinionis ut dicitur liber de beato petro de actu / ergo concludendo dicimus sufficere specificationem in actione iniuriarum supra annotatam / et sic fuit semper observatum

109 Item peciit in Romana curia in causa beneficiali appellant a iure preces quod ipsum compellebant ad iurandum de calumpnia nedum in animam dominorum suorum sed etiam propriam cum applicationem turingum frivole de consilio dominorum meorum non dedit / comminando sibi penam c. si de iure talium / qua pena dicebant etiam omnes domini locum habere in procuratoribus nolente iurare in animam propriam suam / sed dumtaxat in animam domini / de quo tamen bene et fortiter dubitabam / quia revera debent tenere suos actores de hiis que sunt a sua parte et que fiunt / sed quicquid sit / predictis potius videns mea intima

Dominorum et eorum doctorum finaliter nedum in animarum dampnum sed etiam in suam propriam iuravit
et persistit calumpnie iuramento, et verum huius potuit io. an. et io. mo. in c. ii de iur. calumpnie
li. vi super verbo ab ipsius, nam licet dominus principalis partium iurasset michi loquendum iurare
ea partium tenetur, quia ipse calumpnie possit facere dominus, ipse etiam si sciat dominum suum
habere malam tamen causam et velle decipere ipse deciperet non debet in quacumque parte litis
pervenerit ad ipsum partem suam malam et numquam tamen fovere debet desistere et ulterius
causam non prosequi, ut extra io. xxii, et dudum xii et Greg. vi, quam questionem tenet expresse
acutius Ja. pe. et ti. in aut. et si principales de iure calumpnie et cetera et facit notata in c. in
pertinendis et de elect. partium li. vi et in c. puniend de test. c. li. et postea in summa c. ti. et ho. cum sic

40

Item fuit dubitatum et sepe in consiliis positum utrum appellatus possit in curia Romana
prosequi appellationem interpositam in partibus in forma c. statuimus de elect., sibi infra
mensem non intimatam et procedere in vim ipsius appellationis non intimate in ab-
sentia partis appellantis per audientiam contradictarum ut moris est, et videbatur multis
quod non, quia intimatio videtur hodie esse de substantia forme appellationis devolventis causam
beneficialem ad curiam ut in cle. causam electionis de electione, et quia forma dat esse rei
ut l. q. i. de the. et de bap. c. i. de elect. quia appt. ergo maxime si de huiusmodi pro-
secucione et itineris sui arrepcione ad curiam adversarium suum appellante qui forte ipse
suam appellationem eo sibi non intimavit quia tamen curiam ad curiam nec devolvi nec
ea ibi agitari voluit, non certificavit, quia verisimiliter appellans ignorare potuit quod
adversarius suus ipsum appellasse sciunt, que quidem ignorantia merito ipsum a contumacia
debuit excusare de sen. ex. si non quod in mea gratia prout in mea de const. ut auctor
li. vi, et videbatur aliquibus huiusmodi certificationem adeo fore necessariam quod alias non valeret
processus factus in absentia predicti appellantis nisi de novo citaretur, pro quo
allegabatur c. cordi de appellationibus, ubi si appellatus voluerit et petierit, et cle. i de app. hiis
non obstantibus fuit determinatum per omnes dominos [illegible] quo ad utrumque membrum videlicet appellatum
posse prosequi appellationem interpositam per suum adversarium in causa beneficiali etiam sibi non intimatam
infra mensem vel post, dummodo de illa faciat fidem coram auditore in Romana
curia, nec requiritur aliqua certificatio fienda appellanti, maxime si appellatus infra mensem
plenariam notitiam absque intimatione appellantis de huiusmodi appellatione habuit, et idem si post men-
sem, dummodo constet de huiusmodi appellatione, et ratio potest esse utrumque dicti, quia si non
emanasset cle. causam de elect., non est dubium quod appellans ire vel mittere teneatur
ad curiam per c. statuimus supra allegatum ut haberet qui eum defenderet in c. [illegible]
quod vult huiusmodi intimationem fieri appellato infra mensem emanavit solum in favorem
ipsius appellati, ne pretextu ignorantie se valeat a contumacia excusare, et sicut
ipsa intimatio habet vim citationis quo ad appellatum et artat ipsum ad eundum vel mittendum
procuratorem ad curiam, ita citat et artat c. statuimus appellantem ad eundum vel mittendum, per quod et
appellatus debuit istum casum providere et de illo dubitare et procuratorem mittere ad curiam ut
si appellatus vellet prosequi appellationem, ipse haberet qui eum defenderet saltem in audientia
contradictarum, alioquin consuetudinem appellata possit procedi per audientiam in contumaciam appellantis
servatis semper temporibus dicti c. statuimus, quam quidem appellationem etiam non intimatam merito
etiam apparet appellatus possit prosequi secundum Innocentium ibidem et in c. cordi et pau. in cle.
causam antedicta, eo quia cum huiusmodi intimatio sit introducta in favorem ipsius appellati et
non appellantis qui proprium suum factum ignorare non potest ff. pro suo l. fi., de reg. iur. ab
eo hoc in eius lesionem retorqueri non debet, ut l. quod favore de reg. iur.
Sequitur in iure nota per Innoc. in c. interpos. de appell. in c. cordi et e. ti. li. vi
haud conclusionem ponit io. an. in dicta cle. causam super verbo devolutus cum sit. et
aliqui alii et pau. tetigerunt hoc idem in cle. consultationi et [illegible]
semper fuerunt applicate et servate in hoc puncto.

7/0

Item si appellatur ante sententiam a gravamine uno vel pluribus in appellatione expressatis secuta
cta generali et ab omnibus aliis gravaminibus que ex actis seu processu ac colligi possunt
fuit dubitatum utrum hujusmodi appellans possit prosequi gravamina non expressa vigore
illius generalis audientie videbatur aliquibus quod sic per c. qui ad agendum de procuratoribus li. vi et
dominus Bmarey cardinalis olim sacri palacii auditor dixit olim fuisse hoc de stilo
quia omnia acta sunt publica et quilibet gravetur in eis de placitis quod et non
per in c. cum in ims de officio delegati quod tamquam notoria et publica et se exhibentia
non sunt aliqua exprimenda, ut lit. non contestatur de actu evidentia in similibus, et in hac
parte videtur declinare paulus in dicta cle. contra vero facit pro omnibus dictis decretalium
et decretum, et dictum appellantem audiri non debere nisi super expressatis ut sit libellus finis
et ne aufferatur de dolo et contumacia sine cu. s. et hoc vult c. cordi nobis cle. appellanti
et hoc dixit etiam quidam dominus Guillelmus Gualteri se vidisse servari de tempore domini Johannis
tolmelli. Dominus vero Egidius Bellemere distinguebat et placuit aliquibus dominis primis
distinctio, quia aut appellatur a certo et specialiter nominato gravamine, et pro certo gravamine
allegato generaliter illud quod colligi ex actis nisi specialiter exprimendo, et tunc posset habere
locum opinio domini pauli et stilus antiquus, quia satis certum est tunc certitudo ex actis
colligitur que sunt publica ut supra dictum est ff. de re iudicata in su. et de sen. que sine certa
quantitate l. i. de restitutione in integrum li. vi. Aut appellatur generaliter nullo gravamine ex-
presso specialiter videlicet si appelletur ab omnibus et singulis gravaminibus que possunt colligi ex actis
et tunc non videtur appellatio propter nimiam eius generalitatem et incertitudinem que reprobatur a iure
de rescr. ad aures et c. fi. de li. oblatione c. i. et ii. et appellatione c. ii. et c. consuluit, quia si etiam relacio
certa sufficiat fatuus esset qui aliquod gravamen exprimeret. Ymmo nunquam cancellaria
super tali appellatione expressa nominatim dat rescriptum appellationis nisi super uno gravamine quod appellans
duxerit ex omnibus eligendum eius expressum prout non per ro. an. de appellatione cum cum, propterea
expressio certi gravaminis appellationis est inducta duo de causa, primo ut deferatur honor
iudicibus de appellatione c. ut debitus, ut iudex possit cognoscere si et in quo gravavit et
quales apostolos dare debeat ut in c. cordi et li. vi. Si ergo non possit appellans
variare, sed generalis in appellatione se referendo solum ad acta, non satis sit alium potentior
dominus, quod etc. et idem putavit dominus Egidius si ab aliquo expresso gravamine et
cum hoc ex aliis que colligi ex actis possunt appellatur quo ad non expressa que tamen
ex actis possunt colligi, quia quo ad illa censetur idem, ac si ex illis solum fuisset
appellatum ar. ff. de v. obli. stipulatione debemus deppo ex lib., nec obsunt predicta
decretalis qui ad agendum alleg. pro contrario, quia ibi agitur de preiudicio partis constituti
cum voluntas ibi solum requiritur et ii licet, et ideo cum constet de eius voluntate
de vaga generalitate que sibi preiudicat non curatur, hic vero agitur ne dum de preiudicio
suo sed etiam partis et iudicis, quibus posset eludi per huiusmodi incerti vaga et
obscuram appellationem, et ideo quia huiusmodi illusio et variacio fiat certus modus statuitur
appellandi qui si non servetur reputatur non appellatio ut in c. cordi. iuncta cle. quamvis
de appellatione. Sed ex hoc insurgit aliud dubium videlicet si appellatur ab interlocutoria alicuius
iudicis simpliciter illa cum iniquitatis nullitatis vel iniusticie expressa, nunquid valeret
talis appellatio. Secundum dominum Egidium videtur quod sic quia dixit se hoc audivisse a quodam
magno viro non obstante cle. appellanti que intelligitur secundum eum in casu quo aliqua certa
gravamina fuit expressa et alia non. Sed hanc opinionem non putat idem dominus
Egidius fore veram quia secundum eum consideratis omnibus predictis que moverunt
ad condendum cle. appellanti nunquam faciendi appellationem qui in aliquo appellatur et videtur certificat
illum ex primus in nullo certificat, quod contra formam cle. si recipiunt
dicto intellectu repugnat quod etc. Item si contra procederet, non esset
differentia inter appellationem interponendam a diffinitiva vel ab interlocutoria que est

imaginem ut in c. sepe § c. cordi de appellationibus li. vi. et ff. e. l. ti. li. y. et in. et bini ergo reputo tenendum clarissimum in dicto c. cordi parte principium ibi dum dixit ab interlocutoria vel gravamine etc.

712

Item fuit dubitatum utrum in causa appellationis interpositae a diffinitiva esset necessaria litis contestatio et videbatur quod non quia non est necesse libellus secundum notata in c. cum contingat de officio delegati super quo dicitur si lis contestata ut in q. in offerret de litis contestatione c. uno de electione dicitur, si igitur non debet libellus, non erit litis contestatio necessaria. Praeterea aut lis est contestata in principali causa aut non, si non tunc sententia est nulla quia caret fundamento ut litis non contestatione in rubrica et in nigro, ergo ab ea non fuit necesse appellare de re iudicata c. i. Si vero lis fuit contestata in principali causa hoc videtur sufficere in causa appellationis quia licet sint diversae instantiae tamen est eadem causa de fide instrumentorum c. io. de m. talis p. c. y. li. vi. ubi archidiaconus tenet libellum necessarium in causa appellationis et per quos litis contestatio necessariam in causa appellationis veniens ad spe. c. li. cap. § nunc dicendum ut s. in causa appellationis ubi dicat spe. dixisse eciam ita invenisse suarum auditoribus. Hostiensis quod in summa ... de appellatione in § quis sit effectus dicit quod ubi appellatur a diffinitiva dat libellus parti nisi sit contumax, quia tunc procedere litis non contestata ut in c. praeterea de appellatione, pro qua dicit: dicebat et concludunt omnes doctores, quod si una pars notatur pro iudice ad recipiendum libello et litis contestando super eo, et pro contumacia se absentat, potest procedi litis non contestata. Immo semel fuit in causa principali contestata et hoc sive pars sit in curia sive absens, quia eadem est ratio utrobique. Et sic intelligi notata in c. cum in dicto c. cum contingat. Et probat c. de temporibus appellationis li. si ... illud dicitur ante pars non est absens per contumaciam, et tunc sive sit in curia sive non, procedi non potest litis non contestata, et sic procedit communis intellectus c. interposita ... et archidiaconus et spe. ubi supra. Et quod notatur ... de officio iudicis quo imploratur restitutio in integrum c. i. de resti. in inte. et ... in fine. Et quia ... sunt instantiae et non esse ad diversum vide notata in c. Reynaldus de testamentis ... et Jo. an. in novella ... videbatur distinguere ... vero et ... de legatis in dicto c. praeterea videbatur distinctio ... quia aut liquet aut ... ut ... de dolo et contumacia, et in c. sepe de appellationibus, quia aut liquet aut liquere potest de causa statim quod tunc procedi litis non contestata et alias non. Teneas distinctionem supremus positam quae tutior est.

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Ex quo postea insurrexit aliud dubium, si a sententia lata absolutoria processu in causa appellationis per ambas partes dant libelli ... utraque partem appellantem et in causa appellationis per ambas partes dant libelli ... putta una partium quae habuit sententiam pro se in prima sententia petat confirmari appellationem, alia infirmari, et in termino assignato utrique ad respondendum libellis hinc inde et litis contestationem ... duntaxat ... et non super alio super certo, ambae partes litem contestatae super libellis produxerunt testes super articulis et ... et ... illa super quo libelli non fuit lis contestata producunt ... intentionem suam ita quod sententia ... libelli sui ... probatos ... utrum valeret receptio pro ipso, dubitavi ego qui habui causam in ista instantia utrum valeret receptio pro ipso, et videbatur mihi quod non quia lis non contestata testium productorum ad effectum sive fundamentum pro ipso et videbatur mihi quod non ... lis non contestata ... sunt, tamen non ... in supra ... concordie ... dicta ... fuit conclusum et determinatum per omnes dominos meos ... movebant ... de alio ... fuit ... in principali instantia ... super libello dato, tamen quia ... lis fuit contestata in principali ... super libello dato ... quia ... probationibus ... sustinebunt, et nunc quia ... ... quia libelli essent contradictorii, et ... appellatum ita quod secundum aliquos hoc ... videbatur sufficere ... litis contestatio ... per quo fuit allegatum c. oblatae in fi. de appellationibus, et quod ... notatur ... in c. ... de poenis ... fine, tamen ... ex quo fuit assignatus terminus utrique parti ad respondendum libello hinc inde et litis contestatio super isto

Si vero pars obmisit litis contestationem vel non petiit imputet sibi et potest procedere lite non contestata in causa quacunque per predictas de appellationibus et c. de te appellationibus l. ult. que rationes sunt michi probatissime et placet si testes fuerint producti coram eminente lite contestata, secus tamen est sicut fecimus, quod michi videbatur quod totus processus nichil valuit habitus coram me, unde tamen per dicta motiva ductus et [illegible] consilia ego tuli sententiam confirmatam prime cenonice [?] potestati tamen coram me in causa appellationis condempnatione tamen expensarum obmittendo, a qua sententia iterum pro utraque parte fuit appellatum et per me declaratum, et in tertia lite licet contestata sententia mea fuit confirmata et suppleta.

414 Item si petitur restitutio in integrum per lapsum fatalium non est necessaria litis contestatio, ratio quia non principaliter sed incidenter petitur de officio iudicis c. ii, hoc notat Innocentius in rubrica de restitutione in integrum. Si quod si alias super restitutionem officium iudicis principaliter intentetur, vi casus quod sit litis contestatio sit necessaria in dicto c. ii, fallit secundum Hostiensem ibidem in casu aut si omnis et si minor se abstinet, vel si minor se petit possessionem restitui ad factum sumendum quia quia mera, de quo vide satis diffuse per Cynum et Bartholum qui ponunt pro regula in omni officio non requiritur litis contestatio nisi tamen minor petit adversus certam personam se restitui ut aliquid sibi debeatur vel fiat, ideo si expulsus de proprietate petit se reduci non requiritur litis contestatio. Satis docte Odofredus in tractatu suo de officio iudicis tenet tamen Bartholus, Speculator de restitutione in integrum § ii in fine, distinguit tamen contra certam personam agitur, aut sit abusus pertinacia tunc non requiritur litis contestatio ff. l. i tamen et causa cognita ff. de minoribus et dictam autem si omnis, aut nulla pertinacia est abusus continuatur, et tunc est necessaria litis contestatio ut dicto c. ii de officio iudicis super allegato. Audivi semel in Bononia dominum Richardum de Saliceto magnum legistam in materia predicta distinguere sic, aut implorat dumtaxat officium iudicis, ex eo quod pars petit ut quod petitur sententia contra minorem facta vel coram maiore abutente lata rescindi ut de pone et quela de re in c. cum Bertholdi de maio, et obe, inter minor de consuetudine certa sic maie et tunc non est necessaria litis contestatio, aut implorat principaliter officium iudicis ne dominus rescindens sed restitutionis ut puta quia ne dominus petitur rescindi sententia, sed ex eo de audientia, tunc non est necessaria litis contestatio et sic intellexit secundum eum predictum c. ii de officio iudicis pro qua distinctione faciunt notata in speculatore primo, et tamen consulit super dictis partibus de restitutione.

415 Item fuit dubitatum, utrum instrumenta exemplata transcripta extracta in partibus parte ad hoc non vocata ~~in vim~~ compulsorie licet parte ignota, faciunt fidem, et breviter fuit dictum et conclusum per omnes dominos quod non, si fuerint extracta sive exemplata per aliud notarium quam per illum qui illa alias recepit et confecit, quia tunc secus per illius bonum statuitur tamquam originalibus sive potius peius, vel ducorum quo ad primum dictum fuit quia testes et instrumenta pari passu ambulant et de fide instrumentorum l. in contractibus, et c. [illegible] de testibus pervenit. Et postmodum ubi viget ratio uniformis ff. ad l. aquiliam l. ita de fuste inter corporalia, non recepta vel publicata testium facta parte non vocata non valet ut de testibus c. ii, et de testibus l. publicati, igitur idem de instrumentis, hinc est quod producto instrumento facto in iudicio non potest nisi parte vocata ad dicendum quod pars contra instrumentum esse falsum vel rasum etc. de fide instrumentorum in c. dilectis c. iii eo titulo, contra sicut in publicatione testium omnes sunt vocandi quorum interest, ut lex notat de testibus ff. et c. albertus ita et in publicatione sive exemplatione instrumentorum causa vetustatis consumptorum de fide instrumentorum c. si quia alias reputantur exemplaria et non publica nec autentica, quibus nulla fides in iudicio adhibetur de fide instrumentorum c. ult. de presumptionibus si quis in aliquo, nec sunt predictis dominis in eos valet vocatio partis facta hic in curia admittendi dictum compulsorium sicut in simili non obstante quod admittendis remissis semper arctatur ad partes fuit pars in curia citata, ubi dicta est in alia coram iudice remissionis admittendi testes recipi et iurari

De testi. cogen. et dilatoris. De testi. prout li. vi. que similitudo michi non placuit / nam
ps ad videndum testium remissionem non videtur in curia sed bn admittendum actores ad probandum
in curia et extra citatione / super quibus admissis ad probandum quod sine alio decreto / papa dat
remissione ad partes et non auditor nisi de consensu utriusque partis / de quo tamen
dubito / an auditor hoc facere possit / Contra aliud est enim quod toto nomine facere quod regula
prohibet / aliud antiquum refficere de novi operis nunciatione per totum de iudicis consuluit / et
in proposito quia testes de novo recipiuntur et de novo deponere debent et iurare
non iurat si reiurat ibi maior solemnitas si partes vocato videndum eos iurare et etiam
ad reprobandum eos si velint et ad cognoscendum personas / stetis vero in commissionibus sine
exemplis instrumentorum iam antea constitutorum et publicatorum per aliam personam / quia etiam contra
in illis potest in curia reprobare tamen citabitur ad dicendum contra illa sic exempla et impata
possit etiam esse quod pars contra quam debet fieri huiusmodi commissio sine exemplo in partibus / misit
in curia / quo ergo citabitur ad hoc in partibus viderent domini quod debet tunc procedi
sicut in forum capitulum si adversarius de eo qui mittitur in possessionem / et debet requiri procuratores et
alia et citari ad domum et per edictum in loco ubi debet fieri huiusmodi commissio si domicilium
non habet / ex c. ceterum de iudic. non resid. / quia potestatem citandi crederetur et dicendi
illos compulsores non habere / tum quia sunt mei executores mandati per nos facti
apparet ex forma compulsorie / tum etiam quia nos auditores non possumus eis hanc
potestatem committere dare / ex eo que leguntur et notantur in c. ex auditor de rescriptis / si igitur
ad huiusmodi / et notata fienda desideramus tamen per cedulam quia meos iudices compulsores
tamen non teneretur ad hoc neque illud possunt tamen ipsi habeant dumtaxat requirere habentes et
tenentes instrumenta eadem iura ad tradendum parti id petenti sub penis et censuris per
nos latis / et non per eos fulminandis / vel deputatis per nos ad compellendum citandum etc.
sed dumtaxat ad requirendum tradendum et sub sigillo eorum vel publica manu
remittendum / quibus omnibus in meis non obstantibus contra tollitur tempore meo obsequi
que est satis dura et rigorosa et vidi multos per hec in curia succumbere

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Item fuit dubitatum utrum auditor datus in curia in negotio principali in causa
appellationis interposite in partibus sive ante sententiam sive post fuit appellatum statim posset
inhibere iudici a quo commisit appellationi / et fuit conclusum per omnes dominos quod sic
inhibere iudici a quo commisit appellationi et per appellationem causam ad curiam devolutam vel si recipiens appellationem
dummodo auditori confert appellationem et per appellationem causam ad curiam devolutam vel si recipiens appellationem
incipit tamen devoluere devolute esse appellationis aut de negotio principali competenter fiat
incipit tamen devolute devolutam esse appellationis / alias non / ut in c. non solum
cognoscere de appellatione Romana l. c. de iudic. obiciam li. vi. / alias non / ut in c. non solum
et ti. et li. c. illa non contrario est / quia cum sit super principali negotio iurisdictio non censetur
esse fundata / tamen in tantum super devolutis de exceptionibus que obiciuntur in dicto c. Romana
si non voluit valeat dispensare / super quibus parte defensio non est aufferenda / maxime
quia talis commissionis non dant iurisdictionem sine speciali mandato vel in talibus devolutis
tamen super aliis committendis / vicecancellarius sine speciali mandato non habet potestatem / et
constat in causis / sive per se / modo de iure vivo in generali / et tempore de clericis statim li
vi / sed pone quod committit tamen appellationis et negotium principale auditoribus tamen potestate citandi ad
partes de speciali mandato quia forte appellatio non devolvit / utrum statim ante decretum citationis
possit inhibere iudici a quo dicitur appellationem de rigore iuris dicebant domini quod non per hec
in ut lite pen. § de eo quod certe tanotata et stilo palatii dicebat fuerit contrarium / maxime si
dicitur post sententiam diffinitivam appellatum / quia tunc statim ius inhibet ut in c.
non solum et c. sub ... aliter cogitur index datus ad iuris executionem / potest etc.

inhibere cum secundum sed hoc tamen non sit nisi quedam iuris executio vel declaratio / 3a articulo quia
commissa papa tamen quia scit esse coram uno auditore / ex certa scientia ad manum suam recipiens
et committit in audientia sua ut ibi sit in omnem eventum remansura / ipsam advocando
ad se devolvat totam causam ab illo iudice similiter et partibus inhibere vult ut de appellatione ut
nichil per [illegible] et de testibus tu an / tu ibi notatur per innocentium / nec ipse est in proposito propter hoc
quod dicitur super appellatione esse appellatum quod pars causam esse apud illud / a quo dicitur ex appellatione intelligas
et propter hoc quod concedit potestatem citandi ad partes appellatum quod ex certa scientia vult causam in audientia
sua penitus remanere etc si appellatio sine termino prefixo citaret ut in c sepe et c cordi de
appellationibus, et in capitulo bursiculi in c statuimus de electione li vj / et ideo stilus curie habeat
quod etiam in casu predicto si auditor datus, tamen in causa appellationis quod negociis principalis citat
partes de appellatione [illegible] forte circumstancias importunitatem partium et bene processum
per iudicem a quo et male ab ipso appellatum pronunciare nichilominus causa in curia remanet
nec remittitur ad partes et hoc propter appellationem manum pape / et advocationem cause principalis
et hoc licet stilus licet de iure forte contrarium assidue pro c cum in causa et c ut debitus
de appellatione tu ibi notatur. Sed quid si nulla appellatione interiecta committitur causa in curia principalis
de speciali mandato cum potestate citandi ad partes et decretum citationem licet non executa
utrum eadem statim ante executionem huiusmodi citationis possit inhibere videbatur
aliquibus quod non / quia ante executionem iuris non inhibet ut li. pen c ij in textu alias ex
certa scientia videretur papa auferre velle iudici iurisdictionem quam ignorabit ff de iur. omnium
iudicum l. i nec ante lapsum termini dicendi contra commissionem dicitur fundata iurisdictio / quod excipi
potest in termino tamen pendente coram alio iudice, a quo papa ignorans in dubio non videtur velle
iurisdictionem auferre ut [illegible] quia iurisdictio / quibus et etiam rationibus supradictis non obstantibus fuit
per maiorem partem saltem de equitate dictum et conclusum contrarium / quia in casu proxime conclusionis
ita bene debet et posset opponi de surreptione commissionis sicud in casu isto / tamen propter manum
pape advocationem aliquoque / et quod est, quod inferior decretis de huiusmodi causa non se intromittat
nunc hec conventio procedit quando totus tenor commissionis cause de quo agendum est inhibicione
facienda insertatur / ymmo secundum aliquos simpliciter intimatio quod inducit per statim noticia potestatis
de iure dispositione inhibet partes ij ut lite pendente licet aliquid magni viri de hoc fortius
dubitabant / quia intimatio [illegible] vim citationis nec inhibicionis habet. Sed si in eodem
instanti inhibitio cum citatione concurreret non posset ibi notari contrarium predictum textum nec
tollitur per hoc defensio partis / quia surreptio posita apposita in termino legitimo inficit inhibicionem
et citationem sicud et commissionem / tu cum et inhibicio ex commissione descendunt / destructo igitur
principali et omnia que sequuntur ex illo deficere quidquid de preben c audientia de re iudicata c
pastoralis in textu cum similibus. In causis vero appellationum inhibet auditor cause vel aliis iudicibus
in curia etiam ante finem et commissione in palacio statim citata parte ad idem terminum commissionis auditor
inhibet non quia papa numquam causas huiusmodi ad eos remittit etiam si auditor pronunciaverit bene processum
et male appellatum, similiter in terminis tribus antea consuetum an quod timorum obstinatis nichilominus
inhibet. Auditor coauditoribus suis vel dominis cardinalibus a quibus si appellatur ante finem sive
post raro huiusmodi causas appellationum iudici committi in palacio sed papa consuetus est committi aliis dominis cardinalibus

Item si iudex revocet quedam attemptata cum omnia lite pendente et tunc ad de[illegible] in expensis dubitatur
ut possit postea huiusmodi condempnationem expensarum facere / et videtur quod non / quia vim diffinitive habet et secundum
eandem diem huiusmodi condempnatio esset facienda per l. Paulus ff de re iudicata et per c. tu appellationis de appellatione
li vj, tum etiam quia quo ad hunc articulum functus esse officio suo ut in c de i libro de officio
delegati / et c vendicat sibi locum in diffinitiva, sed hec sententia sine preiudicio licet habeat vim
diffinitive quo ad quedam puta quo ad effectum textu appellationis de appellationibus, tum ad principalissimum effectum
interlocutoria et non diffinitiva / tum quia per eam non decidi negocium principale tum
etiam quia semper sine ordine solempni exponitur et mero officio iudicis proceditur super huiusmodi
attemptatis dicti et pro eo cum de appellatione non sunt li vj quod est interlocutoria et intelligimus

semper quo ad premissum effectum etc. quo ad effectum c. cordi de app. Secus quo ad effectum . lapp. que non habet locum intelloria vim diffinitive habite ut in tali modo et in arlo de scomunicatione et absolutione ab instantia iudicis et huiusmodi quia nimis grave preiudicium tales sine parat. nec obstat quod c. cordi locum sibi vendicat in huiusmodi casu quia facilius est parti statim inserere grauamina et appellare in scriptis ut in c. cordi quod subito infra duos vel tres terminos in una septimana forte fiunt probationes super dictis articulis coram iudice adducte. Et intelligo ego predictam conclusionem in prima parte positam si huiusmodi interlocutoria reservasset iudicatum nam tunc huiusmodi condempnatio expensarum non est nisi quedam parte interlocutorie executio et non noua sententia secundum Innocentium in c. sepe de app. nec potest sententia eius ab huiusmodi condempnatione expensarum appellari quia hoc tempus condempnationis trahitur ad tempus sententie. pro qua opinione facit notata Io. mo. in c. licet super verbo qualescunque extra de iure iurando et in c. 18 q. in fi. ulti. glo. extra fine de sen. excom. li. vi. Hic supervenerunt duo novi domini auditores vz dominus Petrus Basonis legum et Franciscus de lando utriusque iuris doctores.

14

s. beneficii sui

Item fuit dubitatum utrum petenti se restitui ad suam possessionem per viam attemptati quia dicit se lite pendente spoliatum sufficiat probare se possedisse tempore litis inchoate et ea pendente spoliatum fuisse licet aliter possessionem suam non coloret et videbatur quod non per no. arch. in c. eum qui de eo quem misit in possessionem li. vi. et in notata in c. exceptione de resti. spo. et pendente de filiis presbiterorum constitutis et per Io. an. in c. ex. vinea de causa possessionis que omnia inira et notata docto loquuntur quando agitur possessorio recuperande et putat procedendum vbi vi. Tunc enim non debet restitui in possessionem sine colorato titulo ne detur viciosus ingressus ut in dicto c. eum qui supremus allegatis tum etiam quia beneficium ecclesiasticum sine canonica institutione possideri non potest de iusti. ex frequentibus et de re. iur. c. i. li. vi. ar. in sine canonica institutione ... ff de aqua cot. et estiua li. i. § principali. ff. de re. iur. c. i. li. vi. ar. in sile. optimum ff. de ... li. ii. § quedam et ff. de aqua cot. et estiua li. i. § primi sile. optime ff. de incidiis li. ii. § quedam et ff. Secus non quando petitur restitutio per viam attemptatorum c. de resti. spo. et c. ad decimas li. vi. Secus non quando petitur restitutio per viam attemptatorum in hoc casu proceditur ymmo iudex ex puro et tamen quia nullo iuris ordine servato in hoc casu proceditur ymmo iudex ex puro et mero officio suo illa in pristinum statum revocabit et sic non iuris actoris sed potius mero officio suo illa in pristinum statum revocabit et sic non iuris actoris sed potius possessionem iudicis in huiusmodi negotio erit procedendum etc. ratio quia plus offenditur iudex possessionem iudicis in huiusmodi negotio erit procedendum etc. Ratio quia plus offenditur iudex cuius officium contempnitur quam pars ymmo lex offenditur prohibens ne lite pendente aliquid innovetur prout appet in rubro et nigro ut lite pendente. Unde igitur totum ipsum procedit contra quem ius iudicium et partem eludit. cum pars tamen ar. c. cordi in fi. de app. li. vi. et per cogitur quem ius iudicium et partem eludit. cum pars tamen ar. c. cordi in fi. de app. li. vi. et per ... est interdictum attemptatorum plus quam interdictum unde vi. privilegium prout in notata pulcre notata hoc est interdictum attemptatorum plus quam interdictum unde vi privilegiatum prout in notata pulcre notata in c. dilecti de maioritate et obedientia et de appellatione bone memorie pendente in c. cum teneamur et in posito in c. dilecti de maioritate et obedientia et de appellatione bone memorie pendente in c. non solum de app. li. vi. et in c. io. mo. i. in c. cupientes de elect. super verbo egeri et pendente in c. non solum de app. li. vi. et io. mo. i. in c. cupientes de elect. super verbo egeri et pendente in c. non solum de app. li. vi. et in cle. ii. ut lite pendente per Io. an. Sed si constaret et clare et notorie de non iure ipse in cle. ii. ut lite pendente per Io. an. Sed si constaret et clare et notorie de non iure ipse tenentis revocari huiusmodi attemptata eadem talem tunc non audiendum et ita iudici fieri in tenentis revocari huiusmodi attemptata eadem talem tunc non audiendum et ita iudicii fuerit in palliatio. Ratio est quia eo ipso quia constat de nominibus suo quod ipso constat quod non palliatio. Ratio est quia eo ipso quia constat de nominibus suo quod ipso constat quod non interest petentis revocari attemptata quod attemptata revocentur immo illud est regulare interest petentis revocari attemptata quod attemptata revocentur immo illud est regulare quod in iudicio illi quorum non interest non audiuntur ii. q. vi. non solet de elect. cum inter quod in iudicio illi quorum non interest non audiuntur ii. q. vi. non solet de elect. cum inter et ita locum canonicos de actu super hiis cum pluribus aliis daretur occasio petendi moram et ita locum canonicos de actu super hiis cum pluribus aliis daretur occasio peto moram et ita locum haberet ratio sermonis notata et posita in c. significasti de divortiis et in c. constitutus haberet ratio sermonis notata et posita in c. significasti de divortiis et in c. constitutus de filiis presbiterorum. Vide infra conclusio ratio quia intelligas verum quod pars peteret de filiis presbiterorum. Vide infra conclusio ratio quia intelligas verum quod pars peteret revocari attemptatum secus vero si iudex per competentiam iuris sui et iuris sine lege ex revocari attemptatum secus vero si iudex per competentiam iuris sui et iuris sine lege ex puro et mero officio suo non permotus illa vellet revocare in pena attemptati puro et mero officio suo non permotus illa vellet revocare in pena attemptati et attemptati sine offendentis ius et iudicem quod posset sed per hoc non restitueret possessorio et attemptati sine offendentis ius et iudicem quod posset sed per hoc non restitueret possessorio illi de cuius iure non staret sed providendum esset tertio per huiusmodi prelatum ac non super illi de cuius iure non staret sed providendum esset tertio per huiusmodi prelatum ac non super in partem grauatorie fecerunt ea que locum et non in c. cum ex decostitutione per sermonem et de actu ad petitionem et de divortiis. Pono hac conclusio videtur etiam tenuisse dominus oldradus in questionibus suis.

15

Item si in causa beneficiali actor et reus ambo intitulati vel non plene probaverunt intentionem suam fuit dubitatum vtrum pro actore possidente et tenente beneficium

poss et deberet sententia absolutoria ferri et videbatur quod non, quia actore non probante etc. propter actor est de probatis, et hoc verum si actor et possessor petat sibi adiudicari beneficium titulum sed si reus non possessor petit sibi adiudicari beneficium, et tunc si neuter probat, quilibet absolvetur ab impetitione alterius, eo quia uterque est actor et reus, ut in casu predicto ar. c. licet de probat. et c. cum dilectus, de causa poss. et propr. c. unico in fine, ubi hec ratio coram [illegible] in expen. si fiat condempnatio [illegible] sunt tamen questiones non etc. immo alias in genere in c. contingit de offic. dele. Unde quod in casu predicto reus est absolvendus ab impetitione et ab impetitione rei de qua agitur, qua nota intelligas vero rem quam actor petit detinere et possidere vel neuter detinere, tunc enim habet locum regula actore non probante etc. Si vero possessor petit titulum suum confirmari tantum et sibi adiudicari beneficium, et reus non possessor solum petit se absolvi ab impetitione actoris possessoris, vel nil petit, tunc enim sententia ferenda est pro reo etiam absolutoria actore nil probante propter actor et alia iura in genere allegata et facit C. de edendo l. qui accusare et l. si de re iudic. et l. ij de probat. ff. et notata Bar. in c. preterea de appell. facimus autem esset possessor qui non contra possessore petitorium intentaret propter difficultatem probandi dominium nisi haberent promptas probationes in petitorio, deberet enim potius intentare interdictum uti possidetis, si in possessione turbaretur, vel interdictum unde vi si de possessione deiectus ar. l. ij qui destinat supremis alias ff. de rei vend. de probat. licet, de iudic. examinat. et hoc est consilium Bar. in c. cum ecclesia sutrina de causa poss. in glo. ij. Si vero reus possideat vel neuter possideat, tunc enim stat regula actore non probante etc. et sic potest intelligi notata immo in c. cum contingat supremis allegato. Ibi vide quod no. Jo. an. et c. c. ex conquestione de resti. spo. et off. del. c. i. post

120 Immo et ho. et in c. mandatum post compos. de re. per.

16

Item si contra agentem possessorio predicto opponeretur spolium, fuit dubitatum utrum obstaret agenti et denegandum esset restitutio, videtur quod non, quia vulgariter quia agenti interdicto non potest obici exceptio spolii ut in c. in literis de resti. spo., nec potest requiri nisi de alia spoliacione decordi cognitum c. si, at predicta refutatio continet nunc petitorium sine expresse ergo fuit decisum et conclusum per omnes doctores contrarium. Racio quia decretum ipse in refutatione appositum necessario afficit et inficit titulum, sed ad possessorem acc. c. ij le. et no. de app. ut nuncii de elect. si eo tempore li. vj, facit enim decretum ipse quod possessio contra refutationem obtenta caret omni effectu et amittit iura sine quo in beneficiis possessio non procedit et est invalida prout le. et notata per Innocentium de resti. spo. c. expte deco committat in possessione c. unico li. vj per archid. et in de ea possessione pro eo et quia per predictam refutationem constat clare et notorie de non iure agentis interdicto, nec potest nec potuit apud ipsum esse ulla possessio que requiritur in hoc interdicto ut fiat restitutio ut in c. consultationibus de offic. del. in decreto igitur denegabatur sibi restitutio ar. c. accepta de resti. spo. et c. ad decimas e. ti. li. vj, pro quo etiam faciunt notata per Innocentium de divor. c. ex transmissa, de filiis presbiterorum c. ex tenore, de restit. spo. in literis in fi. et sic dicebant dominus in palacio obtentum, dummodo tamen ille agens possessorio non imitat ex refutacione, si ueniat ex collacione inferioris a papa, non habentis specialem potestatem conferendi huiusmodi beneficium refutatum, vel ex collatione certa executoris deputati a papa in forma communi vel speciali, quia aliter cessaret vero audita sunt dominus aut in primo videbatur dicendum utrum agitur principaliter possessorio tamen vel petitorio et porro simul ab initio, et suspendatur possessorio petitorium, in utroque tamen si producatur refutacio videtur per ipsam suspensum huiusmodi videtur cum actio est tamen possessoria quod tunc non preiudicet predicta conclusio, moveretur quod ex quo huiusmodi refutacio tangit petitorium quod nil est commune cum possessorio ff. de acquir. poss. l. naturaliter § nichil, de alio igitur suspenso vel principaliter intento iudex non potest cognoscere nec pronunciare, ex de qua re et de causa poss. et propr. c. super tum

etiam quia per suspensionem huiusmodi petitorii est suspensa eius tota iurisdictio quo ad eadem
idcirco ullam potuit super hoc probacionem recipere, de ea possessorio procedit, ex quo si fiat nil
agitur de iudiciis et dicta rescripti. Preterea si tempore suspensionis huiusmodi omnia sunt producta
reservatis, ergo adhuc non constabat clare et notorie de non iure suspendentis, ergo non
procedit ratio Innocentii supra allegata et penultima parte in c. significasti circa et illius
post suo suspensionem petita partes non potuit obicere, nec producere, nec iudex recipere
prout supra est deductum, ergo secus non si suspensione eo tempore quo de utroque agebatur
producte, quia tunc super utroque reus se defendere poterat sicud factum fuerat
in c. cum eciam, et c. cum super, de causa possessionis tunc eadem probacionem generaliter verissima et
aliter non. Causa quare non male distinguendum dicebat dominus meus preceptor et dominus
sibi mediate in quocumque obiectu non notorio insistere possessorem, sed dumtaxat preter
requirente aliqualem discussionem, secus vero in obiectu speciali vel generalis re
finali de quo hic sine discussione partes notorie et clare constituere de non iure agentis
quia hic obstare agenti possessorio in c. licet de resti. spo., quod tamen videntur hic non
notorietas non iuris agentis insurgeret vel ex confessione vel probacionibus et productis
agentis et non rei defensi, et sic dictam intelligenda videtur Innocentius in c. constitutus
et c. significasti supra allegatis ubi reputabam et reputo verum pro huiusmodi intentu
pro quo eciam optime facit c. ad decimas de resti. spo. li. vi. Secus vero si hominem
nunc si insurgeret huiusmodi notorietas ex productis post suspensionem petitorii istius ipsius rei
qui eciam de iure vel de prectitute vel non tanto insistitur ergo non auditur ut
c. in litem et c. Item cum quis de restitutione spoliatorum, cum nullum videtur obstare aliqua
verba per Innocentium posita in c. constitutus supra allegatis, etsi constaret per confessionem
eius vel probaciones admissas de non iure ipsius petentis restitucionem quod non est facta
restitucio, quia necessario processus sed propositus potest constare de non iure ipsius actoris
probaciones eius in iure lite recepte, videtur inducit notorie. De ubi post cum olim
et ibi Innocentius ad quam obiectorum potest videri quod Innocentius loquitur de probacionibus lite
admissis partium ante suspensionem petitorii, vel facte pendente, et si sic salvatur restat
adhuc intellectus meus, nec obstat quod omnia reservatorum est defensiva in
priori sicud venit partancia et multe alie excepciones defensive que hic sunt
admittende in possessorio de quibus post in c. i. ut lite non contestata et in c. ex questione
de resti. spo., ergo admisse sicud ille, ad quod videtur dicendum ut plus videtur quod
sunt admittende preiudicio competentes ac ac hic in casu meo non est iudex competens
ut est primum est ergo, Preterea fateor instanciam de excepcionibus insurgentibus ex facto agentis
et minus expressis ut in c. accepta et in c. significasti de dolo et nec contumacia
et in c. ad decimas supra allegatis. Secus vero de excepcionibus insurgentibus
ex facto alterius partis non tamen ex instancia vel beneficii reservati quia reservatum
quia ut plurimum sit stulte, potuit verisimiliter ignorare ut in c. beneficia de
preben. li. vi, quam salvis iudicis melior non dicitur obstare agentis intendo
nec in casu auctoris, nec virtute rescripti intentum quod reservatus possessoriam ipsam
ante possessorem beneficii proprio detenti apprehendere, et detentatorem eicere
qualitercumque notorie ius non habentem, qui sine ordine iuris non est removendus, de
preben. licet ii li. vi. et nota Innocentius de probabili cum olim per ordinem ut lege
preben. c. ii li. vi. facit vero c. in probabili cum olim per ar. ut lite pen. c. ii li. vi.
facit optime quod nota Innocentius in c. veniens de filiis presbiterorum super verbo amoto
ex quo intelligitur quod reservatus apprehenderet possessorem beneficii proprio occupati
eciam iniuste, cadit in penam c. cum qui de preben. li. vi. non obstantibus preterea motivis
motivis sive iudici finali prepetitorum conclusio, videlicet quod agentis iudicio eciam petitorii
vel suspensio petitorii semper obstabit, et admissa sunt supplicio reservato et ipse
dicta restitucio, dico de speciali, de generali raro video, et de illa magis dubitatur iuris

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ext. noto a tunc decreto facta sicud ipse licet de preben. li. vj. de qua si constaret tertium idem. Secus vero de aliis qualibus rescriptis, videlicet puta capitulorum collatorum electorum etc. nam cum de illis possit esse dubium utrum essent vel fuissent clerici, et sic suspecta eorum rescripta. Dictum illa non obstare agentes in eodem etc. not. per Inno. in dicto c. constitutus per ar. in c. viij q. i c. i. supra dicto facta

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Item fuit dubitatum utrum acceptatio valeret facta infra mensem per impetrantem apostolicum in forma communi pauperum ante purificationem consciencie sue, quam licet ipse per executorem purificare peteret, primo tamen idem executor purificare eam recusavit suam ante acceptationem petierit, prima tamen idem executor purificare ea recusavit, videbatur quod non per Clemen. c. i. que de concess. preb. et de rescript. si pro parte li. vj. Et in hanc partem multi domini auditores ipse dominus Innoc. declinavit dicentes non competere remedium impetranti nisi contra executorem per c. pastoralis de iure pat. et c. venientes de filiis presbiterorum. Pro hac parte eciam secundum dominum Egidium optime facit lex C. de condi. insti. l. i. et l. legatum et ff. de condi. et demon. l. in testo, et voluit quod defectus eciam condicionis mixte sine culpa impedit legatum sine actu implendi. Dicto tamen non obstante dominus Innoc. a domini auditoribus tunc consulti declaravit predictam acceptationem valuisse et valere, et collacionem factam per ordinarium infra mensem post dictam acceptationem valuisse dum constaret impetrantem adhibuisse diligenciam eciam purificandi huiusmodi consciencie, nil valuisse dum constaret impetrantem adhibuisse diligentiam quam potuit ut consciencia sua purificaretur, et non stetisset per eum quominus purificata esset sed per executorem pro regulam quod per eum non stat et facit de consti. c. ij de iure, immo sine culpa, facit eciam c. commissa de elect. li. vj. Pro hac parte allegatur eciam lex cum ff. de condi. et demon. et not. per Paulum et Genze. in c. predicta eius quia non obstat huiusmodi actorum ex loquitur cum stat per impetrantem et non per executorem, quia non obstat ... acciderit quominus consciencia purificaretur, at in casu nostro stetit per executorem et non per impetrantem contra quominus consciencia purificaretur ... et ab illo tempore citra semper fuit sic observatum in palatio, dummodo ex post mensem esset post mensem constaret vel constare posset de habilitate et bona conscientia impetrantis tempore impetracionis et acceptationis predicte, secundum predicta l. in contrarium allegatur de mixta condicione que eius ex eius favore et ex alterius facto dependet dominus Egidius dicit sic nullum probatur, quia aut deficit ex causa contingente in persona illius cuius interest parte eius impleri, aut ex contradictione alterius recusantis consentire condicionis implemento, primo casu condicio habetur pro defecta ut l. i. et l. legatum C. de condi. inst. secundo habetur pro impleta C. de instit. et subsidit. ff. l. i. Si vero impeditum per illud cum implere deberet sibi imputetur, sed per tertium defuit, an sit solvendo an non, puto ista non pro glo. et c. ij in dicta l. i. C. de instit. et subsidit. fine et l. i dicta l. legatum pecierit, adhuc hic non deficit condicio per casum contingentem in persona impetrantis, sed per quendam executorem, ergo etc., cum et soluendo non est, tamen illa spiritualia non capiat mercesse nec extimacionem, quia pro ... et de symo. querela et ibi non ergo ad id agere non potest per impetrantem contra executorem et sic non perdit ius in contrarium allegatum, ut patet in c. pastoralis de iure pat. et c. venientes de filiis presbiterorum

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Item fuit dubitatum et in relacionibus positum utrum valeret consuetudo qua cavetur quod uxor marito succedat in bonis mobilibus et ... in omnibus bonis mobilibus quod cum debitis et creditis liberis existentibus et videbatur aliquibus quod non, quod consuetudo non prevalet iuri naturali et ... urbana que potius dicenda est corruptela et per consequens nulla est ... eciam si omnis homines de mundo eam observarent per ... de verborum q. vij. Significata, de consuetudine c. fi. cum tanto et ibi not., si hereditatis debetur filio de iure nature l. filius ff. de vulga. et l. in ... ... et de pacti. l. ... agnatis ... l. filius ff. de suis et le. here. melius ff. unde liberi. l. scripto, et l. Si ... ibi ... dicat liberorum successione ... nulli ... derogari

non potest ut supra probatum est, quia ecclesia que est dyo in toto sed secus in parte prout
notat dominus in glossa una de rerum permutatione indultum li. vi. Pro qua conclusione facit nota
per Bar. et Jo. an. post eum in c. decretales de consuetudine li. super verbo ita quod in uno jure que
tamen non consuetudo non tollit ius succedendi liberorum in toto puta in omnibus sed
dumtaxat immobilibus ergo et sic fuit deciatum et conclusum post publicas relationes
per eam consuetudine valuisse et valere. Pro qua conclusione ego allego non abbas possitaz
in c. fraunde super verbo consuetudine, ubi ipse abbas non pretextu consuetudine ad partem
tantum legitimam et debitam iure nature diminui posse, quod dicat melius alibi non habere
sic quod fuerim eos esset clarus ibi textus. Pro dicta conclusione, ymo fuit dominus Egidium ecclesiarum
dominus Petrus bertrandi qui fuit cardinalis sancte Romane ecclesie fecit quandam lecturam
super vi li. decretalium tenuit in c. ij de consuetudine naturale statuendo admittens etiam in toto
legitimam appellatam bonorum subsidium debitam filiis. Ratio sua fuit fortissima quia de
legitima naturali voluntas testatoris debet impleri ut insti. de rerum di. § per traditionem
iure naturali voluntas que sepe per ius
ff. si quis a parte ma. fu. l. non usque et xiij q. ult. voluntas que sepe per ius
civile diminuitur possessi testamenti que est iuris civilis ff. de inoff. tes. l. si post mortem
et si post herede institutio l. filio § ult. de inoffic. testamento et quod ibi not. Item ius dictis
statuti ullius rone picionis ex iure civili, quod non competit iure in pertute aliquid ut ff.
statutum ullum rone picionis et iure civili est
de lib. et post. l. vilez § ex his apparet que tamen prima partes de iure civili est
et insti. de pa. po. § i, et ita ante ius civile tunc romanus licebat de bonis suis
disponere pro libito voluntatis l. falsas primo capite tenebatur ut ff. ad l. faladia l.
i in principio ergo hec omnia alio iure civili tolli possunt ut instit. de le. agna. tu.
§ fi. et c. de capi. di. l. has tres, in cuius opinione est hic prede messius in dicto c. in
dubio licet id per alios modos et multum apte deducat. Pro opinione facit Raynaldus
de testat. ist. tu. ibi notis pro glo. ibi tu. dicit quod contra voluntatem testatoris l. falcidia
indicta sit, quod quo intelligat ibi vide. Brevis conclusio putat dominus Egidius
fuerit quod in principio conclusum, quod hec ius naturale in toto tolli non potest, sed bene minui vel
augeri potest, pater enim primi causa tale consuetudo expresse militaret contra romanum
filiolem que talia vicat vbique quod filius saltem in aliqua portione patri succedat
vel l. descripto supra allegato de inoff. testat. et in aut. de he. et fal. § i et
sequitur ante non in plurimis toll. i. Racio prima huius ponitur de liber. et post.
l. in suis et exegui causa ma. § tu miles, quidem legalius quod primum filium ad
primam successionem admitti in aut. qui modo possunt na. sui § i et quod sequitur in pri. fa.
septie xxvj q. iiij c. fi. et de iure nature c. quantumcunque, et quod non et de causis et de
si quis ad declarandum, quod non vero consuetudo contra ut et que sit longa consuetudo l. ij et in
dicto c. fi. de consuetudine, fallit hoc ex causa eius potest fieri ex contractu ut in iure ut video
agn. agnostitur et aliud et § causa et videtur in dicto c. quantumcunque, tunc enim cessat ratio
naturalis per rone naturalem fortiorem contrariam, que licet quod delicta non maneat impunita ff.
ad l. aquiliam l. ita vulneratus de iure civili ut fame, nec obstitit declarande nota et dicunt
quia licet cessaret omnia remedia iuris civilis tamen nichilominus quod intelligo dicat ratio
naturalis esset debite executioni demandandum, sicut solet dici in contractibus aliis gentium
introducte ff. de morte l. quod si moram § fi. sed et causa declarare sicut enim similiter
consuetudo non tollit contractus iuris gentium in toto ita iste de iure naturali et sic
tota ulla, igitur nec hoc totum potest fieri, vel quod per consuetudinem ius naturale potest augeri
vel minui quia quo ante civilis similiter et inducta quod alio iure vel consuetudine
que vi lege licet augeri vel minui ut in iuribus supra allegatis, quod intelligo dum
diminutio non est ita notabilis quod censeretur pro extremo vel minus extremo enormis quia
tunc esset irrationabilis per predicta ergo de decimis et suggestum

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Item fuit dubitatum utrum cum provinciale constitutio per eum ad tunc dubitavit
ad Romanam curiam legitime devolutus, per commissionem factam de speciali mandato pape auditor
possit procedere in ea. Et fuit similiter conclusum et sic semper observatum quod sic, quia
papa committendo causam extra formam auditori, voluit causam in tunc sua agitari de officio
delicti pastoris de appellatione ut iuxta, fatetur pro hoc ea que leguntur notando in capitulo cupientes de elect.
li. vj. forma provenit hoc cause sic post citationem decretum et legitime executum iuxta
formam c. cum de electe, fuit huiusmodi pertinere questio, quod tunc est presuppositum quod fuerit causa
in curia commissa sub forma predicta quod solum sufficit in dicta c. in si, ad que etiam
faciunt notata in canone eo per bellica xxx q. ij, et in c. solita de postulationibus
sedis diceebat dicendo observandi si post appellationem constitueret provinciam eo predicta limitata,
post appellationem sibi legitime intimatam iuxta formam c. cum de electe quod tunc erit visi-
tata limitatio predicta quia tempore constitutionis parcium fuit ea per citationem inde legitime
devoluta. Secus vero si constituerit pone eo predicta limitatione ante predictam
appellationem legitime intimatam vel commissionem etc. de speciali mandato, quod eo huiusmodi constitucionis
tempore ea non erat ad tunc devoluta contra mentem et voluntatem constituentis procederet
cum tali parcium cuius voluntas fundata est de provinciale c. querela et c. constitu-
tionem ibi notatas per notas et c. si quis li. vj, de actione c. veniens, et si in dicto pone
procederetur vel valeret processus, cum quia non habuit potestatem in causa non devoluta
procedendi, cum quia excederet fines mandati de rescriptis, ex parte decani de provinciale in
provincia, et c. exsimulatis hoc verum nisi esset constituta ad causas etc. devolvendas, quod tunc
si postea ea in curia sive per appellationem legitime devolveretur, sive per commissionem de speciali mandato
pape introduceretur, eo casu provinciale ulterius in ea rite et debite bene procederetur, quod satis
apparet de mente constituentis, quod tamen in causa devoluta quam devolutam voluit esse
precedentem quia etc. ad futuras causas potest constitui notatur ff. de procuratoribus l. iij et iiij de
procuratoribus non invitis et ibi non, quibuscumque cartule, videlicet prima putavit dominus Egidius
Romanus si ea committeretur cum potestate citandi ad partes quod tunc appellationem de extra forma pape videlicet
ad suam curiam devolvetur secus vero credebat si simpliciter fieret de speciali mandato ea commissio
esset, dicendo de mandato domini nostri pape audiat causam et iusticiam faciat obmissa potestate
potestate citandi. Ratio sua fuit ista, quod tunc eo papa non dat potestatem audiendi citandi
pape contra adversarium litigantem de partibus cum eo, apparet quod non est dicta forma et
pape contra mente ipsius quod ea statim ad curiam suam devolvit, quod non est presumendum in hoc
exprimatur ad nota pro mo in reg. in regula in generali de regulis iuris li. vj.
Respondeo ergo si rescripto dicta figurata ratione ad casum quo ea ad legitime repetitur
ad curiam devoluta vel si post repperit in curia prius, sed predicta dicta provinciale
limitata non sufficeret, quod talis constitutio necesse repetit hoc tamen causam devolutam, nec
causam devolvere posset, quod hoc esset contra mentem sive limitationis et sic nichil
ageret procurator supremus allegatus nec absunt predicti quia ea devolvit per citationem
factam iuxta formam dicte c. cum electe, quia illud verum est, de devolucione
que una citationis importat, et tunc non citat, et per quos causam ad curiam devolvit
ut c. statuimus e. ti. li. vj, nos enim loquimur de eo quod solum verbum sonat, videlicet
audiat si est legitime devoluta, et si dicta parabola que petitur datur auditori
potestas citandi videlicet iusticiam faciat, concedo in eius si repperiat parte presente vel per
contumaciam absente, sed non potest dici contrarie, iuxta unum de tribus modis notatis in c.
qui frequenter ut lite non contestata et xj q. iij in textu. Ergo potest esse etiam quod ea sit intime
de mera veritate tractanda, et quod inhibitiones citationis seu contumacia sit ad partes facienda
ut in c. sepe et c. cordi de appellationibus li. vj. Sed pone quod procurator constituat ante
appellationem intimatam vel commissionem de speciali mandato ut supra factam, in omnibus et singulis
causis motis vel movendis ad Romanam curiam legitime devolutis, fuit permaxime
altercatum, utrum cum tali parcium possit in ea postea legitime devoluta procedi

et videbat aliquibus dnis quod non quod obitum devolut[us] respiciat duntaxat tps
pns et non futurum ut sic referat ad datas tunc moras lcime devolutus et non
refertur ad casu ne dum motus sed etiam admonendus licet postea devolvendus
pro quo fuit all[egatum] not[atum] in c. dilecti de exceptione ubi ponit usum vz
pns consuetum pro[positum] non tenet usum ymo refert ne dum sed etiam respiciat
preterita et futura et hoc maxime procedit si tal[is] pro[positum] dedit actus proditur
de iure dominis suis et propter hoc vz mittendo sibi infor[mati]o[ne]m et ita vide tacite
ratificare act[us] gesta in tali prime sic licitato que ratificatio suffic[it] ut le[gitur]
et not[atur] in primo i c ex parte de rescriptis quam conclusionem credim[us] indubitat[am] vaz
si in dicto prime cent persona et ea sine qua nunc lis utitur ex premissa alias
verum bene dubitarem de conclusione

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Item fuit dubitatum utrum credatur litteris epi solo sigillo suo sigill[atis] sine tabellione
et testibus super resignatione ex causa permutationis facte in manibus suis et pendente
et testibus super resignatione ex causa permutationis ... possent si plura acta
admissa et collone subscripta Et licet in hoc dubio ... Et licet in c. pro[fession]e... de probatione
et allen[ati]o[n]es doctorum pro et contra que recitatur in c. per tuas pro cessione de probatione
et xi q in cure pro et ardu[m] tamen attenta generali consuetudine totius universi
et x q in cure pro et ard[uu]m tamen attenta generali consuetudine totius universi
que reputat sigillum epi autenticum quod etiam palam explicat in hiis que spectant ad
eius officium et que inter subditos suos et eorum eius presentiam fiunt dummodo
non procedat ut iudex qua tunc secus ut in c. cum contra de probatione et de testibus
a nobis fuit per omnes dubitatum et conclusum quod in tali processu littere
epi faciunt plenam fidem dummodo processus omnia in sua serie gesta contineat et
pro unum et eodem tempore facta et completa consistat alias non faciunt fidem nisi de
ultimo actu suo vel presencia prout not[atur] in primo in dicto c. cum ... Ratio predicte conclusionis

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Item fuit dubitatum utrum beneficia resignata per partes resignata in manibus epi
vacent et per ipsum conferri possint et si non utrum permutantes possint ad sua
beneficia propria redire et sic sunt tria dubia In primo tamen videbatur
aliquibus quod non per not[ata] per Io[hannem] mo[nachum] in c. uno de re permutatione li vi super verbo sinuendo
in qua non est vera vacatio
in conc[lusione] sed quedam ubi inde dicit quod in permutationibus possident alias
in se consumatum inter precedentes possident alias
sicut in s[exto] et c[etera] quedam estimatio inter precedentes in dicto possident alias
in legi[bus] et una dic[tum] et sine dic[tum] licet que dic[tum] i mag[is] faciat contra eum quem
pro eo quod dicit ibi resignent pro qua resignatione beneficia non vacant saltem
quo ad ipsos resignantes quia penitus amittunt tunc proprietate quam possessionem prout
dic[tum] et no[tatur] i c. ex periculoso de ... ad quod io[hannes] mo[nachus] intellexit text[um] dicens permittit
verum resignet ponitur in gl[ossa] dic[ti] licet quod non est resignatio propria sed
totum pertinet superiori rescindat qui transfert personas de loco ad locum ut in c.
quesitum de re[rum] permu[tatione] volens innuere quod in permutatione non est nova collatio sed
quedam personarum translatio Preterea uno prohibito omne id censetur prohibitum per quod
devenitur ad illud per l. oratio ff de sponsalibus sed per resignationem prohibetur et vitatur
collatio ut in c. si eo tempore de elect[ione] li vi grave et resignatio ad quod ultimum videbatur
quod licet resignatio beneficii impediat collationem ipsius ut in dicto c. si eo
tempore et in c. ut nostrum de app[ellationibus] tamen non impedit resignationem rei que non
arctat nec impedit resignationem sed consentiat ut apparet per verba resignationis
et ideo in hoc primo dubio fuit conclusum per omnes duos meos concordit[er]
quod resignatio beneficiorum resignati ex causa permutationis facta veram vacationem
inducit ideo quia ipsam sequi debet vera collatio et institutio ut i c. i de rerum

permutacione li. vi. et inclino in c. ex. Vnica e. ti. que fieri non possunt de beneficiis
non vacantibus de concess. preben. c. nulla et c. i. eo. ti. ut ecclesie vacatur et ibi not. glo.
in c. si propter tuas sup. verbo vacabat de rescript. li. vi. In secundo dubio utrum episcopi
renunciationes huiusmodi beneficiorum resignatorum valeat recipere et extra permutationis ea conferre
et videtur quod sic per decretalem unicam ut c. quesitum et c. licet et c. ex. Vnica de rerum permut.
per que innuitur arctari episcopi officium dumtaxat permutationi et non alias. Secundo quod est verum
in non resignatis, secus vero in resignatis per papam que quidem non possunt optari virtute
consuetudinis de qua in c. si de consuetudine li. vi. nec non per exceptione sive legatorum
constitutionem de preben. dudum e. li. quia resignatio pape afficit beneficium super de
quo fit et inficit totum quemcumque dispositionem in generalem. Secundo aufferet potestatem conferendi et
omnem modum disponendi circa id de quo agitur ut not. si c. ti. de electione li. vi. et
de preben. c. ii. et c. dudum e. li. Dicunt pro predicta conclusione est hoc extravagans
dudum xxii que incipit dudum, ubi quod expresse disponitur quod beneficia generaliter resignata,
puta prosecutionem vel iuris consecutionis impendendum et non potest impediri ut
consensu ii. per papam. Recurrant ergo isti resignantes ad papam pro permutatione
perficienda et collatione eius facienda prout consulit et concludit Fredericus de Senis
in tractatu suo de re permut. q. xxx in quo quidem tractatu etiam tenet quod posse
quod beneficia resignatum etiam ex causa permutationis et in manibus episcopi ibidem degentis
curia etiam non resignata, solus papa conferret et non episcopus, quia huiusmodi beneficia
vacant per resignationem factam in curia, de quibus beneficiis papa sibi reservat dispositionem
ut in c. i. et ii. de preben. li. vi. In tertio dubio utrum ubi dicti resignantes nollent
ire ad papam pro permut. facienda, si unus eorundem vellet habere recursum ad beneficium
suum, quatenus utrum potuerit. Dominus Fredericus in tractatu suo de re permut. q. viii. et
in repeticione sua tenet quod sic de causa per rom. c. si beneficia de preben. li. vi.
et per not. ibidem Paul. super ultimo libello … quod not. per Io. an. c. licet eo sup.
verbo libe. ubi dicitur quod … que cum redire potuerit quia sine culpa fuerit
ex quo resignationem ignoraverit. ergo permutari non debet de constitutione c. i. cum similibus fa.
equitas per quam … et in quibus ac beneficiorum intentio ar. ex. auditor de
rescript. tollitur occasio expensarum et laborum … de iur. et pen. de dolo et
contumacia, de off. ord. ut litigantes li. vi. et quod ob utilitatem ecclesiarum et non permutans
in quo beneficio illud fecit … laqueus sibi intendendus non ut. xxxvi q. i. de
… occasio ad dispensationem … non debet. c. de usur. … eius cum
de permut. quod non ulli, quibus non obstantibus fuit decisum contrarium de equa … geln.
li. vi. est enim … quod eius beneficium … vacavit per resignationem ut predictum est supra in primo
tamen sine dubio recuperare sive retinere non potest sine nova collatione nam beneficium
… sine canonica institutione per eum qui ius in eo non habet habere vel si ius
habuit illud quod per permutationem sive liberam resignationem perdidit recuperari non potest
in c. ex frequentibus de instit. et de re. iur. c. ii. li. vi. Post hoc etiam in ex. vna in
fi. Clemens de rigore iuris quod sepius equitati preferatur allegatur per predictos de elect.
… ut in l. placuit C. de iud. et Bald. de … in
ex. quamvis de app. … de legis. in c. quesitum de re permut. in que
… utrum beneficia resignata generaliter vel specialiter per papam valeant permutari
in qua questione videndo … que fit de equitate c. licet de re permut.
li. vi. tractat … quod equitas preferatur rigori et eo. Nam cum per liberam resignationem
permutans ius in eo beneficio vere perdidit ut in c. tamen quam periculosum in qua i. et not. …
… in dubiis de renunciatione aut ius aliquod positum sibi illud
ius restituunt et hoc non reperitur in toto corpore iuris quia si illud in toto corpore
iuris reperitur non esset quo aut collo superiori et … posito et quod collo superior
sit … est super … in secundo dubio. Secundo et per hoc posset videri ad c. si
beneficia quod ibi equitas est scripta que preferatur etiam rigori iuris scripto possit etiam

alio mo videri ad c si dust^a, q idem est dñi in cau illo sicud in cau nro isto de q quo aute superior ad sua bnfi^a amissa reuertat, q ipa ipe pena c eum qui de pben li vj, cuq consiliu est vidisim et optim illd cuq fuat palam in bnficijs occupat^s Secus vo de uatiu^s de imnts & de fcto, quia tuc ipedit arch spimo & sic ad concordia pdicti doctores reducat^r q expedit de elect^s c eum expedit li vj/

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Item fuit dubitatu vtrum detentor siue occupator bnficij desto posset et debet condempnari in fructibus a tpe occupacois huoi per ipm perceptis, Dubium fecit quia potit esse q talis detentor etia iniuste absnte habuit bona fidez et coloze detinendi, et tales dicut^r bone fide possores, qui no nisi a tpe mote lit^s veniunt in fruc^s condepnandi, quia incipiunt hre malam fidem et sic no faciunt fructus suos prout le^r et no i c. Gius de rests spoz & in c liced p primo quod est verissimu, & fuat in palla, q no constat de mala fide distincta tamē de fruc^s extatib^s vel asuptis in bone fidei possorib^s prout distingt^r in dicto c Gius p doc, & in c l etid & de rei vendi & vide barth ff de usur^s l in & melius per spe ti de fruc^s & int esse § i. vbi ut sup Sed ut ponebat^r in fcto in cau nro constabat de mala fide detuct^s, puta quia absnts fuent possoz bnficij recepit iniuste, ppt q indubitant^r tenetur ad resti^oz fructuu percept^a nedu ante lit^s ctest^s s post ut i l. aquebat^r &. vnde vi. & i dra l. ctu & l diuu c ti ff de pet^s hereditz l. s si an, & sic veniunt a tpe occupacois iniuste i fruc^s percept^s adenadue licet no sit pbatu tpus occupacois nec qtitas seu valor fructuu, que omnia cor^s cxecut^s probantur, licet aliqm dnd de hoc vltimo dubitabat quia sma debet esse cta et cla ut i c cumte insti de act^s, ac hic in cau nro sma videtur incta, go ad quod respodebat^r all declinatu & p maioze ptem dudu in hanc actio^oz declam, illud nequaq obstare, q2 taressois poss fit talis qualis sma posita p execuzze tpe execucois perny fiede declanda, uix not p innoc^s in c tanta de excess platoz, & de rept^s pot tu ad pede tutius esset tu si fieri poss q tam de tpe q de ualoze inde se informaret ut sit ctam et clarum smam fire poss, que tamē valet si in cue ut sup dcm est condepnacio fiet ponot^s in supdict^s loc^s, & ex quibus inferebat^r & tinuebat alia actio^o vz, q attemptans aliqd lite pendente in sma ferenda sup renouacone huoi attep^a, pt et debet in fruc^s percept^s condepnari ppt dolu & mala fidem sua, prima et rones i pxima conclu^oe positas, Sed quid de fruc^s qui percipi potuerunt, nichil vcit cq

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talis attemptans condepnadus ut in dco c Gius & in c aquent^s de resti spo et de offic^s de cu ca vbi tn glo supplet et^s de illis qui percipi potuerunt talis attemptans fuent i psudiciu lit^s pen pt et debet condepnari, quia dolosus temerariq et male fidei exist^r, & ideo multo moleto compatur p leg^s coquebat^r & leg^s diuu sup in alia actio^oe all Et si dicat^r quare in isto cau & no in alio sup proxime conclu^oe fit condepna^o in fruc^s qui percipi potuerit, poss videri, quia ille no tm peccauit sicud iste, ille em offendit ius & ptem ingrediendo possoz forte lit^s pen iuste igit^r in eu iura magis debent insurge quam ius iudicie & ptem eludit & app cozdi ofi li vj, Contra in cau sup proxie actio^oe fuit dumtaxat possor tamē no violentus nec dolosus licet temerariq, talis em tenet^r restitue fruct

Duraxit perceptor an sine pro[prio] lit[igi]o contestato ut in l. si fund. ff de rei vendicatione
sic in casu nostro fuit male fidei dolosus temerarius et perceptor iniustus et videtur et
intrudit in viam litigiosam, pro qua omnia simul iuncta inito violento compatur contenere
restitutione percepta et eos qui percipi potuerunt prouentus possessor prout supra
allegatur, et not[at] in dicto c. gravis et ibi idem spec. de hoc ti. de fructibus et int[eres]se
§ 1. primo ut supra dicto, posset tamen predictus attemptans adeo quod velle dubium
probabile habuisse qui ipsum ab ill[is] qui percipi potuerit excusaret licet non a
perceptis iux[ta] not[ata] in glo. pro dicta l. dum et pro eius in dicta l. etiam, fuit pro hoc
optime c. ex insinuatione de penis, ubi sua intelligi lata excusavit illum
pro quo lata erat a computatione fructuum qui percipi potuerit licet non
perceptorum et sic fuit conclusum et obtentum per omnes

127. Item fuit dubitatum utrum habens contrarium si percunctum litis neutrum
litigantium constitit ius habere in beneficio super quo litigatur tali pendeat, dans
articulos obiectivos in persona vel formam gratie adversarii nulle specificatos esset
audiendus vel talis ut non repellendus, et videtur prima facie quod cumulatam
admittendum prout ius vulgare de electionibus ut etiam li. vi. iuncta tex. constitutionem
c. ei pro qua tex. decidebat ipsum dummodo alii articuli sint de bona iura, licet
sint male specificati, non quia predicti articuli descendunt de gratia sua et sic sunt
de iure suo quia per hoc vincet et sibi providebit et sic sumus extra casum
c. ut etiam et sumus in tex. constitutionem in principio, preterea quod predicti articuli
sunt de iure dantis et sic non requirunt exactam specificationem de qua in dicta
decret. ut ita et sumus in tex. constitutionem in prin., preterea quod predicti articuli sunt de iure
dantis et sic non requirunt exactam specificationem de qua in dicta c. ut etiam
patet videtur esse exact. quod implendum gratie conditionem non est aliud nisi effectivo ipsius
gratie et ideo negari non potest quin sit ita de iure partis petendo gratiam ipsam, quod sine
huiusmodi implemento et actu huiusmodi implendi gratia omnino caret effectu ff de pro
socio, tex. de c. de rescriptis si pro te li. vi, de concessione prebende c. uno in tex. non
quod huiusmodi est conditionale quod istud si venit ius competat etc., que conditione
vera co[nditiona]l[is], vel si impetrati et sine parte adversario non competat ius etc. quod implere
ambarum conditionum et de iure partis, non pro re quod adversarius non habeat ius, et
implere alteram conditionem quomodo mandatum de hac dicta et de iure partis pro re constitutionem audiatur

128. Item si mandatur alicui providendum de certo beneficio certo modo vacante puta
per constitutionem execrabilem, ad dictum tex. seu alio modo puta per constitutionem de multa vel
per non promotionem ad ordines sublatam ut in c. licet canon. de elect. li. vi, vel
per contractum matrimonii ut in c. de cler. coniugat. vel per ingressum religionis
de regulari beneficio li. vi, fuit dubitatum, utrum de beneficio dicto sic alio vacante
gratia expressa possit providendum impetrari, super quo dominus cat. quod non, per c. susceptum
de rescriptis li. vi, pro quo c. aliqui dominum declarabat in parte negativa quia
iuncto expresso non venit aliud ut ibi, ex nunc de presumptionibus hoc enim
nisi aliud appareat de intentione mandantis ut in dicto c. susceptum, et responso: pur
quod ipse mandat alicui providendum de beneficio vacante per resignationem vel alio
quocunque modo vacaturo, tunc enim secundum Io. an. ibidem venit omnis alius modus vacandi

Et per hoc patet clarum audiam pro quo alle ipse c. cum aliquibus i. si. z c. duobus i. si.
c. ti z c. si motu proprio de preben. e li. / cuius opinio indubitanter est vera et similiter
in casu vacationis contingentis per certam personam / nam predicta clausula seu quovis alio
respicit omnem modum vacandi per certam personam / secus vero si per diversas sum
lapsu illud / licet dominus Jo. Kalda in quadam sua questione que incipit presentatus
contulit tenuit disputando omnem vacandi modum venire etiam per aliam personam
sub clausula antedicta / Ratio prima fuit hec / quia dicta clausula omnem modum vacandi
includit secundum clarum intellectum et competentem secundum eum / facit non addicitur ad subiectum
et respectu / sed generaliter / et plus imprimunt relatio generalis / maxime cum disiuncta
quando vel terminum precedente non repetatur saltem respectu / et universaliter in uno solo
supposito visita / et quia meus verbis non repugnant que omnia copiose sunt
pluries multa / et ad roncus omnis contrarium videtur / cuius opinionem dominus ego intellexit
pluries multa / et ad vocatus omnes contrarium videtur de quo providetur vel provideri mandatur
et vacationem putat in beneficio iam vacatum de quo providetur vel provideri mandat
et vacationem putat in beneficio iam vacante / quia tamen hoc cum recedendo foret a propria
per se non / nam non potest videri / quia tamen hoc cum recedendo foret a propria
per presentem / nam non potest videri / quia opinio lapsi quod fuerat palam locum sibi vendicat
si videat / consensit tamen bene / quod opinio lapsi quod fuerat palam locum sibi vendicat
in beneficio nondum vacante / de cuius vacatione clausula loquitur in certa persona puta
in beneficio nondum vacante / de cuius vacatione clausula loquitur in certa persona puta
mandatum alicui provideri de certo beneficio cum illud vacare contingit per assecutionem
participationem alterius beneficii vel quovis alio modo etc. / nam tunc secundum
participationem alterius beneficii vel contrarii matrimonii / vel quovis alio modo etc. / nam tunc secundum
eum / quia ad alteram personam solam ipsa habet respectum solum intellige de illa ar-
ticulo. ex p. et c. et z c. cum olim de officio delegati / et plus facit secundum eum / adhuc quidam
ex p. et c. et z c. cum olim de officio delegati / puta clausula vel quovis alio modo
abstinuisse supra quia lex aliquam partem / puta clausula vel quovis alio modo
fuit introducta propter fraudes quas pro e susceptum auditum inveniebat opti-
nere beneficia / que spoliabat vacare contra impetrantes / que fraus cessat
et vacat per aliam personam ut in fi. C. cum dilecta ff. de vi. et. et olco que
hec predicta opinione non potuit vobis allegari secundum ipsum / salva reverentia tanti
viri et domini mei ego non video diversum inter casum et casum / nam sive dicatur
presens et domini mei ego non video diversum inter casum et casum / nam sive dicatur
sive de vacaturo sive provideri mandatur loquor de certo beneficio / semper exprimitur
modus vacandi per certam personam / et utrumque casum exprimit ipsa nec susceptum
modus vacandi per certam personam / et utrumque casum exprimit provideri de certo beneficio certo
si recte inspiciatur / nam in primo potest mandatum provideri de vacaturo in quo casu
modo vacante in certam personam / in secundo casu loquitur de vacaturo in quo casu
vario vidi ponitur clausula seu quovis alio modo / sed si ponetur certo modo utrumque
idem est in primo casu / quia non video rationem diversitatis / sed certo modo utrumque
conformem / quod idem inter / de tali clausula in eodem potest cum similibus / est tamen quidam regula
sive ordinatio in cancellaria domini Urbani pape V declarata per dominum Gregorium
XI que facit per contra in hoc nostra / ordinatio domini V. pape stat sic

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Item si petitur alicui de certo beneficio provideri / et in supplicatione super hoc signata
non fiat mentio de reservatione de beneficio antedicto licet super hoc constitutio non expri-
mat dicunt tamen reservatio circumscripta / sed cum clausula / si non fuit alteri (?) ius
quesitum / mandatum sibi provideri / dominus noster Gregorius non vult quod stilus
predictus servetur ipse sive quia sua intentio est providere quotiens non ad ipsum spectat
alia ad personam ipsam / intentio sua est providere quotiens non ad ipsum spectat
nisi esset generaliter reservata / quia tunc non intendit providere vel mandare provideri
nisi cum suppositio de generali reservatione fuit facta mentio et illa generalis reservatio
fuit specificata / ex qua regula concluditur nullam fore diversum inter promissionem
factam vel mandatum de providendo certi beneficii vacantis / et per certum modum

vacandi includi vno excepto vz qualit vestiat que vena no respicit mod
affecionis bnficij sive pertinencia collaconis / et ideo meo iudicio medicum fuerunt
predicte regule ad propositum / fuit igitur conclusum per omnes dominos meos an et
lapsi fore tuciorem et sic eligendum et observandum et hactenus fuisse sic ob
servatum in rota ac responsa c iuie cum similibus vide aliam similem infra nono et xlvi

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Item fuit dubitatum et per me in relacionibus publice positum utrum in ca
timinali etiam civili intentata / articuli post terminum dati possent et deberent
admitti / in quo dubio domini mei erant varii et quasi divisi. per medium
aliqui dicebat quod sic saltem de equitate et benignitate palacii maxime si nos pars adversa
no nullum in hoc leditur / quia placitamus no sunt angustande xiiii q in
quacumque C de iudiciis / qui ut lites no etc qui possitum si parte dans articulos
velle iurare noticiam de novo ad sui noticiam devenisse / ac c pastoralis de ex
ceptionibus et de testibus c preterea / et ff de no op nunc j de pupillo /
et c ut circa de elect li vj allegaverunt etiam predicti domini prose notum. Jo an
in cle sepe de v sig sup vbo no obstan et not in l si ca ff de accu et
spec ti de coem ff dicto v ß pone datus est terminus peremptorius / quas notas
ecia alii domini tenentes contrarium / allegaverunt prose dictos de iure qui potius ar los
inclusivo admittendos / nec / nam licet in cius bnficialibus et matrimonialibus
in quibus procedit lite no etc / aut simpliciter et de plano / ut in C dispen
diosam de iudici circa cle sepe de v sig / articuli dati post tm et etiam
instrumenta post conclusionem admittuntur et recipiuntur de equitate canonica et stilo palacii
tamen in prophanis et criminalibus tamen talis stilus sive equitas no procedit
tum propter diversitatem materie / tum quia in hijs no est tantum periculum / tum quia dant
longiores inducie / tum quia materia dilacionis est anguistanda C de dilac
l j de testibus significaverunt et c ultra triam / de restit spol frequens li vj
facit optime per ar pte l quinquaginta ff de exam ca et l diff C de ingenuis de
provinciis tue de accu licet / de probat licet vide spe ti de dilat nunc videamus
usque peremptorium cum tam vsus et alia ex peremptor invenerit / et no esset litium
finis si post illud quis in tribus audiretur vix lis aliquem finem quem contra
voluit imponi de dolo et contra finem / et malicijs et pervertis via daretur
quod no est faciendum de iure / sed vero et not spec ti et ex ubi sup n
pera cum tam / sed quia dominis etiam in palio aptus post lite contestam sunt peremptorie
licet id no exprimatur ut not spec exposit ti de citat ff vbso vbo ditum
etc et not in C i de except in cle per Jo an / quia dicione fecit optime
e col de rest minorum cum ibi not perimos / qui expresse dicat quod omnino
peremptoriam excepcionem opponere / vel probaciones nunciat in termino peremptorio
ponere / no auditur sive minorum restitutione / et pro ro dicti sui assignari / quia
cum assignacio hiusmodi terminum sit quedam iudicio ff de arbitr l quale in si
et pariter mos probus accipiuntur de rest nunc cum nec / et c quod ad consultum
de elect cum dilat / de testibus significavit / no debet sive cause cognitione
prorogacionem quasi restitucionem renovari et in dicto C corum / sed in crimibus resti
denegatur ut not per spec ti de restitut minorum ff quis autem v ß pone
qua racionem ponit : cum apost in c quod sicut de elect vnde not ibidem / fuit per
hanc partem allegatum quia ipsi litte suum intellectum Jo ino de re iure inqualis
l vj v ultio quiritur / que no etc bnficiis facit ad propositum / facit etiam per hac

parte l. auxilium ff. de minor. et c. quatuor de app. l. vi c. consuluit de off.
deleg. de re. iudicata et c. i. in extr. cum mult. similibus, an tamen parte vide
et declinare p an intre questionem de elect. sup. verbo sup. hiis vbi inde
bona distinctionem. Pro hac parte faciunt etiam not. dom. Io. de ligna. in c.
cum dilectus de fide instrum. Dom. vero Egidius qui tenuit cum primis cetus stat
omnis tamen palij fore peremptorios quorum ad hoc ut dato semel termino pro
non amplius sine cause cognitione alius nouus debeat assignari, sed hoc
[illegible] non obstante, sed post tunc ca et facto sine protelacione dentur
articuli, recipi debent postquam partes non intersit sicut si reperiuntur plurales
post terminum allegat. non in l. ca. et de actu et not. p so an intre sepe sup
eo non obstante et ibi multa inia pro hac parte. Ad quod ego qui sum cum
et in parte primo dicendo per seriam, credo quod multi partes intr. cui inus est
acquisitum quod tamen non reputantur nec articuli admittantur, tum propter remissionem
ad partes determinat que habet forte longum tempus, tum quia communiter recipta
habet seriam salte absoluta si est reus per se redemptus expen. cum magnum
interesse, mutare igitur non debet consilium in alterius preiudicium, dicet questionem
in c. de regulis iuris mutare li. vi. Ad alia vero que videtur magis vrgere
videlicet quod quando etiam in practica de stilo palij recipiuntur probaciones post tunc, que
non possent recipi nisi admissis articulis, quod posset videri et intelligi de pro-
bacionibus notoriis et que fiunt per instrumenta et litteras, ex quibus statim potest
haberi et liquere veritas sine alia discussione et probacione, propter que possunt dici
habere constat quod agat, ut in c. litteras de rest. spol. et l. si ea a quo ff. ut in
possessione legatorum, de re iudi. cum aliis. Secus vero credunt in probacione testium que re-
quirit cause cognicionem et longum tempus in c. de testi. per totum de probacionibus
licet de testibus partium li. vi. et nec obstat c. pastoralis de except. all. per
contrarium, quod possit induci per dictam iura conclusionem in eo quod ibi non audit post
terminum prefixum ad proponendum dilatorias nisi cum iuramento, ymmo quo adest
iuramentum ad dicendum de
genere iniquitatem sum veritatem, quia homines prorum sunt ad decernendum de
inimicis ius et si expedit de cohabi. cler. et mulier., et ideo sum ipsum illa non fuit
bet in foro seculari prout tenet spec. tit. de except. § n v. cete
qui ponit et in § sequenti et § pone aliam solutionem. Dom. vero quod post inc.
quod sicut supius all. ad dictam dec. pastoralis dicens illam non loqui de tis
peremptor. nec de except. perempt., sed non perempt. et de dilator. ideo quod
sum cum non debet ad hoc trahi, cum sit contra racionem iuris inducta
et quis post perempt. admittatur, et quod sine iuramento in ca. sed. est c. sicut
de probat. cum quo concordat Dom. ibidem, licet Inno. et Hosti. teneant
contra videlicet quod etiam procedit et locum habeat dicta dec. in peremptor. sicut
in dilat., prout tenet spec. in loco supius all. vers. in dicto § dicto §
et aut posset statim cessare de except., nec obstat de pupillo et l. c. partium
pro alia parte in contrarium inducte, quia non loquitur de termino homine sed iuris
et inutilis agitur tum l. quia ibi eius ministro ff. de arbit. l. celsus, de elec. commissa
celebrari, quod predictam conclusionem intelligo de articulis actoris qui semper debet
esse paratus. Secus vero posset dici de articul. rei defensorijs post tunc dati
inutilis partis sunt favorabiles quam actoris de probat. ex litteris, tum etiam quod et contra

est fugere actoris instare de presumptione nullius. De verbo sigillatim foras, tum quia dubium est continuo actoris quam rei de dolo et contumacia cum glossa 2 et 3 c. i. li. vi, qua conclusione reputabant dominum vissimam in quibusdam aliis articulis concilii. Dummodo predicte rei essent mere defensiones puta premisso interventum quo ad absolutionem, non quo ad sententiam obtinendam et dati in tuno adhuc exceptiones peremptorias proponendi et assignatis rebus in tuno dato ad dicendum contra articulos propositos actoris datos, et iure privilegii constitutionis Jo. xxii reo instituto et petente in ea vigesima dabuntur xl dies et actori instanti ad ponendum et articulandum, ideo stultus esset reus quod exceptiones bona peremptoria per illam opponendi ad fundandam intentionem actoris, per legem et notatur in c. de testibus de testi. et c. ex parte add. et de dolo et contumacia sine cum similibus. Secus vero si nimis expectaret et tum datis suis articulis puta post conclusionem, tunc non audietur propter presumptionem malicie sive calumpnie, que est quia presumitur quod ea dilatione et prelationis judicii hoc faciat, maxime si sit possibile hoc vim si vellet, juratus quod materia nunc per ipsum sit tarde data de novo ad eius noticiam pervenisse ut in c. pastoralis de exceptionibus et c. ut circa de electione li. vi

131 Item voluerunt et ordinaverunt dicti domini concordes quod nulla pars de cetero citaretur vel arrestaretur ad videndum certis interrogacionibus dandis vel dandis coram aliis de iure esse videndum neque principale conveniendum, nisi dati fuerint seu dentur dispositive et per modum positionum et articulorum et inscriptis, si vero per incontinenciam fient quamvis citationes vel arresta, pars citata vel arrestata non compellatur videre huiusmodi interrogacionibus nisi dati fuerint per modum supradictum. Hoc si aliqua pars hoc petat alias si voluerit sponte videre modo eius gravedine et ff. de probat. l. etiam de testi. spon. et si viderit affirmative sibi preiudicat sua confessio ut notatur per Jo. in c. tum, cum de iure calumpnie. Racio prime conclusionis est quia interrogatis nichil si penes dispositive omnia que ponit confitetur, ut de confess. c. i. et ii li. vi cum ibi notatis, ergo ne clauditer indicium dignum et iustum est id quod dicit actor interrogando partis rei confessionem velit relevare, ita et reus pactore interrogatus dispositive data relevamen et fuerit in iudicio equipollentis, tum rei non debent esse deterioris condicionis quam actoris non in regulis iuris non licet li. vi et demum ex c. i. et ii. Item quia iste visiones sunt pro quo reus vel actor non erit promptus tempore tuno ad videndum positionibus assignatis quo tempore partibus videre debere et pro quibus locus visionis que fient in illo termino ad positiones iam datas, si tunc non videretur nisi positum per altum partem dispositive datis, ergo nec iure eius videndum sunt ea que in altius locum successerint ut litteribus partes debent tenere videre licet dispositive non dentur prout legitur et notatur in dicto c. tum cum per Jo. an. Racio secunde dicti est quia volenti et consentienti non fit iniuria ut in l. cum donationis et de iustitia lex q. i. quam cum contradicat aut consentit. Si consentit habet locum vero prime dicta. Si contradicat apud pro eum contradictionis illam quod non sunt datis interrogatis per modum positionum, et tunc habet locum primum dictum, aut illam tum non assumit tunc compellatur videre quod postquam dicta non alleget non videtur velle in eo se fundare et tunc consuetudo et stilus curie cum artat neminem compellit per dicere visiones suas per iuramentum etiam ad positiones, nisi interrogatus dicatur per iuramentum si hoc petit per rationem iam dictum.

132 Sed ex hoc insurrexit aliud dubium, utrum si aliqua partium arrestatur de mandato dominorum auditorum ad respondendum certis interrogacionibus

E non dispositur dat illicentiata de cura recedens possit citari / et videtur quod non
quia si venisset videre non tenebatur admitiogationes impetuletas / ar. v. q. ij c. i. et ff de
fer. l. i. cum similibus / fuit allegatum in contrarium ex quo constabat de iurisdictione
iudicis citantis. seu arrestantis quod tenebatur comparere saltem allegaturus inpertinentiam iurisdictionis
ergo iurisdictionis vel petitum ut de arrestin ff de iudic. si quis ex aliena / in q. iii si eps de
app. et si duobus. de offic. delegat. veniens circa ibi not. / quia veniendo fecit iudicem contempsit
propter quod contemptum excomunicari potuit xi q. iii nemo contempnat / et c. cum / ut lite
ad gr. cum ut c. tue / de iud. c. i. et in dicto c. veniens / propter quod fuit conclusum quod
auditor si vellet ipsum propter contemptum huiusmodi ex suo officio excomunicare posset / sed ad
instantiam partis non / tamen melius esset quod supersederet / quia non omnia que iudicis
potestati committuntur iuris necessitati subiciuntur / ff de iudic. l. quedam / maxime cum
non intersit partis / nec ius suum per hoc leditur

Item fuit dubitatum quid impetrans secundum formam c. cum de beneficio de preben. li. vi teneatur
probare vel simpliciter ultimum statum beneficii / videlicet illud rectum per clericum secularem ultimo
et quod per xl annos fuit sic rectum / vel an sufficiat x annis / in quo domini erant
varii / nam secundum aliquos requiritur continuata et pacifica gubernatio tanti temporis quod legitima
prescriptio sit completa / que est quadragenaria / de ea posuit tantum certa / de prescript. de
quarta et ad aures cum si / et hoc videtur expresse innuere textus dicti c. cum de beneficio supius
allegati que sic intelligitur quasi dicens scribens per verbum legitima / que est regulariter quadra-
genaria secus vero non esset positum in tex. sed ideo an ibidem quia tunc procederet dictum
eius positum in c. ult. de consuetudine Iohannes Monachus li. vi. super glossa / ubi legitima / ubi
videtur innuere quod sufficiat decennalis prescriptio in consuetudine secundum ius cano. introducta
et quia consuetudo de qua loquitur dictum c. cum de beneficio / est talis / cum omnia bene-
ficia de iure communi sunt secularia / dicto maior pars dominorum declinavit in hanc
ultimam opinionem videlicet sufficere in hoc casu decennalem prescriptionem per dictum dominum Io. an.
supius allegatum et positum in dicto c. fi. de consuetudine / et hoc dum secundum predictos
dominos nisi ex adverso probaretur beneficium per regulares ante fuisse gubernatum per xl
annos vel gubernandum per coll. sic in sua institutione fuisse institutum tunc enim propter
mutationem ipsius status beneficii / hic astringitur impetrans ad probandum quadragenariam
prescriptionem / tum quia secundum primum casum illa prima prescriptio regularium xl non tollitur
nisi per contrariam prescriptionem xl ut notatur de coniectis per ala ante eos / tum quia secundum casum
ius tacite obstat clerico seculari / et sic requiritur xl prescriptio per iura et dicta doctorum
ad hoc supius inducta / facit c. tumuna de elect. et c. de restitu. spol. ad decimas
li. vi. etc. quia ratio a contrario sensu de supp. ne p. / dominus vero Segadensis fuit singularis
opinionis in hac materia / dicebat enim sic primo quod si clericus secularis impetrat
aliquod beneficium tamquam regulare vel tamquam clericis secularibus assignatum consuetudinem
sufficit probari eius ultimum statum dummodo non probetur contrarium videlicet alium statum
legitime prescriptum precessisse pro quo allegatur una glossa in c. possessor de re. et no.
ali. / rationem etiam assignavit quia ubi non agitur de mutatione status ipsius rei sed solum
de usu et statu ipsius usus debet solus attendi status possessorum qui pro tunc est
de sen. ex. si iudex li. vi. / de elect. querelam de iure patronatus consultationibus / ff de off.
procons. l. barbarius / ita quod verbum consuetudinis refertur ad solum usum ut c. de epi.
an. l. in tm. velut similibus / licet ubi agitur de statu permutatione in preiudicium
alterius ordinis vel ecclesie / nova consuetudo recipitur pro consuetudine legitima
per xl annos observata propter naturam materie et preiudicium ecclesie ut in c. cum ecclesia
et de elect. cumana et c. cum ecclesia vulterana / de off. archid. cum satis / de iure
patronatus. cura de consuetudine cum dilectus / et dicit supius allegatur de prebend. si de cetera
cum multis similibus / facit secundum eum quia de iure communi omnia beneficia sunt secularia
ideo quod presumitur status beneficiorum esse secularis / cum de seculari beneficio fiat regulare
et non econverso / facit de dona apostolice ut predictum est / et sic dixit intelligi dictum c.

tum beneficium et placuit dominis hec opinio, quam etiam tenebant verum ubi nullus
alius status precedens vel subsequens allegaretur nec probaretur preter assistenciam
iuris communis, secus in casu in quo contra impetrantem iuxta formam dicte decretalis diceretur
de statu regulari precedente vel subsequente statui seculari allegato per impetrantem
etiam si status regularis non fuit per xl annos observatus, tenebitur impetrans astringi
ad probandum statum medium secularitatis fuisse continuatum per xl annos, et hoc
inducit tamen multa verba illius textus, ibi videlicet etiam que est dicta implicita
ante vel post statum secularitatis allegatum per impetrantem religiosi cuius et sic
non semper vice per xl annos inscribuntur in eodem, licet aliquis dixerit supplendum
ad dictum librum cuius etiam ita quod prescriptio sit legitime completa per religiosum ante et
post xl annos in beneficio instituendo, cum est ad primus intellectus meo videre,
nam si fuisset primo beneficium regulare per xl annos et postea seculare per xl et
ultimo regulare iterum per xl, tenebitur ultimum statum attendendo et primum
sublatum medium statum, nam ut supra dictum est prescriptio xl annorum
primam tollit per contrariam statum plazorum, iuxta notata in c. accedens de except. prelat.,
ut ibi primus status beneficii fuisset secularis si primo anno ex sua primeva fundatione
est nunc in regulare et observatum per x vel xx annos, ita quod non erat completa
legitima prescriptio et subsequenter iterum iste finis status mutaretur et reduceretur
ad statum primevum secularitatis, tunc tenebitur sufficere decennalem prescriptionem,
tum propter assistenciam iuris communis, tum quia res de facili redit ad naturam suam
xxxv d. ab exordio, ff. de pact. si unus ad naturam vide d. in dicto c. possessor
et eiusdem de relige domibus nec maior, c. preterea c. fin. an. de vi c. ho. tit. quin
c. xviii q. iiii prevenit archid.